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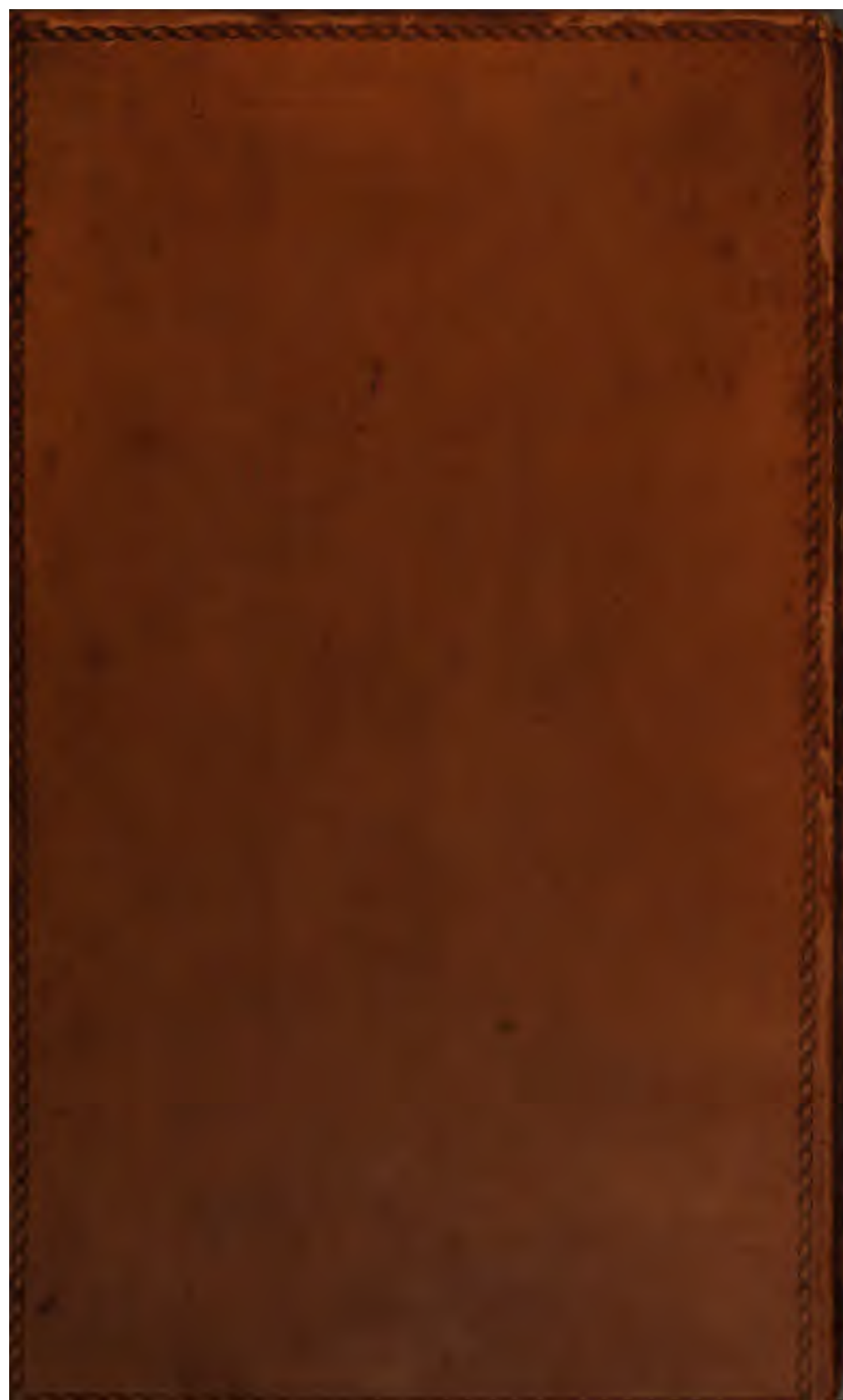
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THE
STUDY AND PRACTICE
OF THE
L A W
CONSIDERED.

Printed by A. Stephan,
New-Street-Square, London.

THE
STUDY AND PRACTICE
OF THE
L A W
CONSIDERED,
IN THEIR VARIOUS RELATIONS TO SOCIETY.
IN A SERIES OF LETTERS.

By JOHN RAITHBY, OF LINCOLN'S INN, Esq.
BARRISTER AT LAW.

THE SECOND EDITION.

LONDON:

PRINTED FOR T. CADELL AND W. DAVIES, STRAND.

1816.





P R E F A C E
TO
THE FIRST EDITION.

FROM every man who presents a work to the Public, the Public have a right to demand the utmost exertion of his powers. With this demand the writer of the following Letters has complied : all that he was able to do he has done to render his book acceptable and useful : still, however, he may have proved inadequate to the task he has undertaken. This remains to be seen : he trusts it will not be thought arrogant in him to have made the trial.

If these Letters be what the author has endeavoured to make them, they will not be found useless in the libraries of those who have

yet to fix the destination of their children in life ; and the perusal of them will probably be extended beyond the circle of professional readers. They are addressed to the young and rising mind ; this must be recollected. The writer does not presume to hope that he shall be numbered amongst those who have added greatly to the stores of science and wisdom.

That the subject on which he has written is worthy of ample and various consideration, there can surely be little doubt ; he presents his work, therefore, with deference, to the Public and the Profession, and he rests secure that their judgment will be dictated by candour.

P R E F A C E
TO
THE SECOND EDITION.

THE aim of this Work is stated in the Preface to the first edition; and the Author hopes that with pretensions so moderate, and an intention which must surely appear unblameable, he shall not be thought presumptuous in having placed his name in the Title page.

As it was originally framed upon principles which do not depend upon caprice or fashion, little alteration has been made in the general plan; but it ought perhaps to be stated, that the Letters on Compression and the Method of Study, have been added to those comprized in the first edition.

The sincere conviction he has long felt, that considerable utility would attend a Work of this nature, does not rest upon his opinion only : he has therefore, in the absence of any other Publication of the kind, prepared a second edition, and he trusts it will be found that he has continued anxious to render the Book in some measure worthy of its design.

OLD BUILDINGS, LINCOLN'S INN,
January 12, 1816.

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LETTER I.

WHY do you complain so bitterly of your ill fortune? You tell me you are reduced to the necessity of applying to your friends for support, that you may be enabled to prosecute your studies for the bar: but have you not those friends? Do you forget that you have youth and health; that you have received a liberal education? and that you possess also, from the bounty of Nature, those talents which will enable you to apply these qualifications effectually towards your future advancement? Do not waste the time in grieving for the loss of your fortune; but rather think it your duty to set about repairing it, and to convince your friends that the lessons and example of your deceased father have not been forgotten.

In truth, your loss may not produce those terrible consequences which thus alarm you. You must no longer join in expensive parties of pleasure; you must forbear to give those entertainments which have formerly procured you so

much admiration ; in short, you must withdraw from the gay delusive circles of pleasure, round which you have led the thoughtless dance so long. But when you have reflected upon these things, you will find little cause of regret ; when you have compared the life you have lived with that which it is your duty to live, you will not hesitate to pronounce yourself peculiarly fortunate in that very accident which now so deeply afflicts you.

What your father would have done, permit me to attempt. You ought to listen to me, and I believe you will ; for you well know that I am little less anxious than he was to see you desirous of qualifying yourself for eminence in whatever profession you might be destined to adopt. His mind was a noble mind : the love of excellence was inseparable from its formation, and he could ill have brooked the debased contentment of his son with a life of indolence and pleasure. Could he see you as I now see you, he would unite with me in the satisfaction I feel in contemplating the necessity that will compel you to exertion.

Have patience with me a moment while I examine the nature and extent of your loss, and compare it with what you may eventually gain.

Two years are now elapsed since you were obliged, by the misfortunes of your family, to leave the university ; and you have now entered

yourself a student of the law. This profession was chosen for you by your father with your approbation, as the most congenial with those powers, the early blossoms of which promised a rich and golden fruit; and he pleased himself with the expectation, that, allured by the smoothness of the way which your fortune had prepared for you, you would have pursued your studies with alacrity and success. He spared no expence to provide you with every assistance: you knew not what it was to toil through the mazes of science without a guide; to be retarded by doubts, and perplexed with difficulties, which there was no power at hand to disentangle. Alas, how many of the sons of Genius have been overwhelmed by these misfortunes!

But by some strange unhappy influence, the advantages I have enumerated have well nigh involved you in the same ruin in which thousands besides have been buried. Nursed in the lap of ease, and cherished at the breast of prosperity, you have nearly forfeited every title to that honourable fame which awaits the man who scorns to temporize with indolence; your faculties have been enervated, and you have narrowly escaped the oblivious gulph of dissipation and intemperance.

From this misfortune your better fate has snatched you; in taking away from you riches,

it has deprived you of pleasure, but it has left you yourself. In robbing you of a numerous train of companions, whom you falsely thought and called your friends, it has destroyed your opportunities of light amusement, but it has left you reflection.

Had you continued a few years longer in the course in which you began, you would have become a sad example of the secret, but boundless influence of pleasure. How happily for you, and for those who love you, is the prospect changed; you have no longer any incitements to an inglorious life, and you will henceforth remember what you owe to your country, your friends, and your own character.

You have lost, therefore, only those things of which you were in danger of making a very ill use, and which would, consequently, have done you an irreparable mischief; and you have gained those just views, which, if they are suffered to exercise their natural power over your conduct, will certainly procure for you that esteem which must ever be valuable in the eyes of every man whose breast is warmed by emulation, and whose designs in life are formed and guided by wisdom.

If you look back with a steady eye upon the course you have pursued since you became a student, and will permit your judgment to form a cool and unbiassed opinion of it, you will

certainly pronounce it to have been very ill calculated to form the character your father designed for you. What have you been doing? Have the examples of those great lawyers, who will ever be the ornaments of their profession, and the glory of their country, been placed before you? Has the contemplation excited in your bosom a spirit emulous of their talents and eminence? You have been ambitious, I believe, but, alas! you have been so only to gain the admiration of the dissipated, and to excite the envy of the thoughtless.

This degradation has not sprung from your real character. Had that been uniformly preserved, you never would have fallen so low; I am persuaded you have a soul which inwardly contemns so unworthy a life. To what then can it be owing? I will tell you; it has been owing to that very fortune, the loss of which you at this time account as the greatest infelicity that could have befallen you.

Does it follow that every man who is born to a fortune, is thereby, unconditionally as it were, excluded from excellence or success, as though there were some magic influence in gold that necessarily engendered folly, or produced stupidity? There is not a man upon earth who estimates the advantages of birth and fortune at a higher rate than I do: but then I also prize the exertions of an enlightened and ardent mind; and

when these are weakened by ease, or luxury, or pleasure (of which gold is the prolific parent), what man, who loves and admires science, will not prefer that wholesome poverty which chills to the very root these noisome and pernicious influences?

Regret no longer, then, the reverse you have experienced, but suffer it to have its proper effect upon you. Bend your whole attention towards the valuable and important science that lies before you: your mind has now recovered its energies; it is no longer the slave to your passions; its powers will henceforward be exerted, and you will presently discover that the study of the law involves in it greater and more varied principles of truth, of reason, and of philosophy, than you were aware: then you will perceive the value of time; you will be convinced that many years, and much labour, will scarcely suffice to acquire the knowledge you will wish to acquire.

Melancholy and untrue is the picture which they draw of the legal study, who represent its prominent features to be those of subtlety and impudence, and of a labour dry and barren: rather would I compare it to a mountain, steep and toilsome indeed in its first approaches, but easy and delightful in its superior ascent, and whose top is crowned with a rich and lasting verdure.

This is the study which I recommend to you. You are now at the eve of a new life; you are upon the point of exchanging (as I have before hinted) folly for wisdom, and unmeaning jollity for manly reflection. Be a student, then, according to your own acceptation of the idea; and remember this as a maxim, which arises from the very character of the study, That he who is a truly great lawyer must be a great and a good man. Farewel.

LETTER II.

EITHER you are really ignorant of my meaning, or you wilfully misrepresent it. Do you then sincerely believe, that the moment a man becomes a reasonable being he must cease to be a cheerful one? — On the contrary, there is no true cheerfulness but where reason presides. And what does reason dictate? That a man should be an active and a useful member of the community in which he lives. Now he cannot fulfil this duty but by moving in his appropriate sphere. Listen to me my friend: your spirit will no longer suffer you to mix with those with whom your fortune will not permit you to be upon equal terms. This is right; but what follows?

vexed and disappointed in your first essay (an essay unworthy of you) you would now retire from life ; you are disgusted with it : and while you reproach me for wishing to lay upon you, as you represent it, a grievous burthen of study, you would take up the intolerable weight of solitude. I would have you begin to fit yourself for a useful course of life, and you would sneak away to the forest or the desert only to behold the birds of the air and the beasts of the field more valuable members of existence than yourself: they obey the command of Nature, which you would have had the folly to refuse. In this reflection, you would presently find less cheerfulness than in the prosecution of the plan I propose to you ; it would ere long become as a flaming sword to defend the happiness you so vainly sought, from your grasp, and to drive you from this paradise of fools: you would then come back into the world, having learnt, too late perhaps, that you had a duty to perform in it.

He to whom Nature has dealt her favours with a liberal hand, upon whom she has bestowed a ready conception, an unclouded judgment, a happy expression, youth and health, has very important duties in life to fulfil ; he is placed in a most critical station, and he has no right to desert it. Such a man will ever be surrounded by a circle which, whether it be a large or a small one, must have claims upon him that he may not

refuse to satisfy : indolence in him becomes a positive crime ; and if indolence be criminal in such a character, what name shall we give to the misapplication of his powers ? The man of genius, then, is not to live for himself alone ; he is bound to exert his talents for the public good : still it must be in his proper sphere ; mankind would be but little benefited by the abilities of great men if they were all princes, or all legislators, or all soldiers. Nature has decreed a secret division of the mental powers, and to discover and mark that division is a rare and a happy faculty ; to exercise it is, nevertheless, within the compass of human wisdom. Let us apply this reflection to ourselves, and our own conduct ; for that, after all, is the true way to decide upon these things. Examine yourself for a moment : Are you fit for a general ? Have you that sort of talent which would enable you to marshal 100,000 men for battle ? To meet a keen and experienced soldier in all his military manœuvres ? Again ; Do you think you are calculated for a courtier ? Have you that happy art by which favour and support are obtained ? Could you avoid with adroitness the shining Cyclades ? Could you steer with a steady and unerring hand into the Corinthian port ? Yet, my friend, shall we refuse to fulfil any certain character, because we do not happen to be princes, or courtiers, or soldiers ? If Nature, or the circumstances of

LETTER III.

I REJOICE to find that you begin to enter into my design ; that your grief moderates, and that you have put off your journey into the country ; though you say, with respect to this last, you have complied rather out of affection for me, and some other of your friends, than a full conviction of the justness of my reasoning upon the subject of retirement. I should have been better pleased had you relinquished your intention from a conviction of its impropriety. You say that liberty is the very essence of life ; and you ask whether that can be a principle of liberty which restrains a man, who is disgusted with society, from leaving it ? My dear friend, there are numberless phrases of speech which have got abroad in the world, and which men learn by rote, and then contract an inveterate habit of continually chattering without thinking of their import, or, indeed, caring any thing about it. Thus it is with this cant of disgust with the world ; which obtains chiefly with the ignorant and self-loving part of mankind ; who either do not know their duty, or are too idle or profligate to perform it. You are as capable of making accurate observations as any man I know. Remark then what sort of persons they

usually are who thus quarrel with the world, and are in such haste to retire from it : you will in ninety nine cases out of a hundred find them to be people of intolerably fractious dispositions, continually disordered by trifles, and upon uneasy terms with those to whom Nature has the most closely united them. Is it then to be expected that they, who cannot be happy with their own flesh and blood, should be easy with a world that can have no motive to coalesce, but where pleasure is the result of the coalition, and that is at once willing and able to thwart the discontented spirit ? And he, who is looking for another sort of world than this in the present state of things, is seeking for that which he will never find.

It is true, there are a few whom a long course of unmerited misfortunes has at length wearied out, who are glad to find in retirement a resting-place, and from whom a departing sigh of reproach may be expected and pardoned ; but these form exceptions, and not examples. He who has youth and strength has no title to this indulgence ; his case is a very different one : he is displeased with the world, because it does not exactly suit with his ill formed judgment, or because he is prevented from joining in all its extravagances, and he would claim, with an arrogance peculiar to inexperience, the liberty of flying from his duty in it altogether.

See then the freedom (if it may be thus named) which you are so anxious to enjoy. What is it? It is such a freedom as belongs only to the greatest slaves, or the most unfortunate among mankind. Are you emulous of such a condition? You talk of that as a right when you have scarcely reached twenty, which is hardly to be allowed to a man who has felt the disappointments of half a century.

Are we to remain in the porch for ever? Are we always to be children? Shall we never leave first principles behind us? For shame! let us get forward; by this time we ought to have learnt our duty, and to have entered upon the practice of it. For Heaven's sake, do not catch the infection from the philosophers of the day; they are worse companions, if possible, than profligate men: they proudly pretend to humility; and the only determination they form is, to doubt of every principle, and to hesitate at every truth. If you have ever had any thing to do with them, leave them instantly, and act for yourself: those principles are scarcely worth the learning that are never to be carried into practice.

I have a thousand arguments in my head in aid of this subject, and which appear to me to be very good ones too; but I will not use one of them, both because they are foreign from the main design of our present correspondence, and because I am sure they are already anticipated

by you. But I think it right to put you upon ascertaining a duty which is every day violated, because we have no clear conception of it. It is taken for granted, that a man has a right to dispose of his time according to the suggestions of his caprice : how false is this notion ! Remember that you have been in an error ; make a virtue of necessity, and learn that you have not only to act, but that you must also distinguish the mode of action that is best suited to your capacity.

LETTER IV.

WE are doubly satisfied with our judgment when we find it has been right in favour of a good man ; this is the satisfaction I enjoy at this moment. Your last letter convinced me of that, of which I had indeed very little doubt before. You have determined to cast your cares, your pleasures, and your philosophy to the wind, and to begin a life worthy of yourself.

I congratulate you. The length of time you have taken to consider the subject of my last letter, and to reflect upon the various conversations we had upon it since, afford me a pleasing

evidence that the resolution you have now formed is not the result of any affection or of any sentiment short of conviction. In my idea, this is a most important matter settled. I have observed, in numerous instances, that men suffer their lives to slide away in hesitation, not so much because they are averse from their duty, as because they have not the discernment or resolution to decide on it.

Thank God this is not now the case with us; we have taken a general view of the task we have to perform. Let all our resolution, therefore, be henceforth concentrated in the fulfilment of it: and here my feelings most readily meet yours. I wonder not, that, although you are now determined to be a lawyer, you are ready to draw back from the various difficulties which oppose themselves to the honourable course; they are, I confess, truly formidable, not only in themselves, but in their consequences: how few have conquered them! This is a weighty reflection; but it ought not to quench our ardour, or paralyze our efforts. No! let it animate us; yet, at the same moment, make us watchful. We have a claim to indulgence for caution when we are about to enter upon a field in which such numbers have fallen; but we cannot expect the approbation due to a manly sentiment, if we are afraid to enter upon it.

It is the business of those who have to cope with danger to discover the nature and extent of it. He would be a weak soldier indeed, who should pretend to attack an enemy, of whose strength and number he was utterly ignorant; or, for a better simile (as similes seem to rule the moment), he who has to gain the affections of a coy and capricious mistress, ought to inform himself well, before he approach her, how those unfortunate lovers have failed who have preceded him.

Let a conduct similar to this be ours; it is necessary. We are about to investigate a science, which, like poetry, will not endure mediocrity. Horace, our friend and master, it is true, seems to think otherwise. Let this be as it will, however, it ought to be our determination not to be satisfied with mediocrity; for this satisfaction is that secret poison which from the beginning of time has silently diffused itself over the labours, and defeated the success of thousands.

When I look back upon the history of my own country, or search the records of those which are no more, I rejoice that the most elegant ornaments of the one, and the noblest monuments of the other, are to be found in the fame of those men who have studied the laws, and directed the jurisprudence of their respective nations; and while I contemplate these glowing

pictures of departed glory, I feel my mind elevated with the loftiest emotions. Let me communicate, for a moment, the enthusiasm to yours: look up to these exalted characters, and resolve at least to imitate, if you cannot equal them; but despair not even of that. Do you think they would ever have risen to their own elevation, if they had not beheld the eminence of some master, whom they then venerated at an awful distance, as you now venerate them? Or if, beholding that eminence, they had been dismayed at it?

By such examples the study of the law comes recommended to us; and he who would rise in it must have such examples before his eyes; he ought never to lose sight of them. The eloquence, the wisdom, the justice, and the virtue which distinguished them, must be his; he must labour as they have laboured, he must study as they have studied, if he expect to reap the same glorious rewards which have crowned their course. But be not impatient of your progress if you find it at first difficult and tardy; this will be but a natural consequence: you may, however, find it less so than you now imagine; should this prove the case, do not babble to every one you meet, the great plans which you have formed, or the achievements you have executed; this will expose you to ridicule or envy, and will be unworthy of you.

I know not a more accurate criterion of a noble mind than that silent confidence in its own powers, which incites to great endeavours, and leaves the event to time. The labours of such a mind will be secret but ardent; and its success will be known to the world only by the superiority of the actions it incites. Such a state as this is not attained without perseverance; but, thank Heaven! it is still attainable by perseverance; and it must be attained, or you will never rise to extraordinary flights of talent or of virtue.

Do you see what you have to do? I am afraid I have been wrong; I have been delighting your imagination with a transient glance of beauty and excellence, from which I must a while withdraw you to the less pleasing contemplation of the means by which they are to be attained; for great and various as the powers of the human intellect are, still they are in a state of progression, of tedious and humiliating progression; we are not yet arrived at the state in which we are to behold them flourishing in eternal bloom. Adieu!

LETTER V.

THERE is a class of people in the world, and that too amongst the higher and well educated ranks of society, who profess to admire excellence in others, but who remain their whole lives contented without endeavouring to attain to it themselves. I hardly know what restrains me from being very angry with such people; nothing, I believe, but my pity for them: with this race, did I not know you, I should be inclined from the tenor of your last letter to number you.

You say you are not less than I am, disposed to reverence those great characters who have transmitted their names with honour to us. You agree with me too, that a man ought to be emulous of such examples, and yet, at the very same moment, you tell me that there seems to be a great gulph, as it were, between them and you; that they appear to have been beings of a different species; that a sense of your inferiority distresses you; that it has a tendency to damp the ardour necessary for the support of the mind in every great undertaking; and in short, that to follow the footsteps of these men,

appears to you like treading upon forbidden ground.

This subject is connected with the end we propose by our correspondence; let us then canvass it a moment.

I am now endeavouring to animate you to a desire of excellence; and for this purpose I have turned your attention towards those who have been its fairest patterns. It is clear, that if you wish to be like them, you must pursue the path which they have trodden; but you think this looks like arrogance; you think the character of modesty amiable, and that to assume the hope, however remote, of an equality with those renowned men is inconsistent with modesty. This idea appears to me to be a false one: let us for a moment contemplate the true nature of modesty.

Modesty is the inseparable companion of an enlightened mind; but there is a little, low, debasing fear, which assumes the appearance of modesty, and which is therefore one of the most dangerous enemies a man of genius has to combat. Consider the marks that distinguish each of these from the other. Modesty is a sentiment, fear is a quality of the mind: modesty has its birth from a comparison of our own talents and actions with those of other men; fear is that imbecility that dares not enter into the comparison: modesty is

supported by hope, and looks, though with a trembling eye, towards the excellence at which she points; fear never lifts her eye from the ground: modesty acquires fortitude as the mind in which it resides approaches the regions of truth; fear depresses the mind, and continually obstructs its progress in such approaches: modesty is generous; she is ever ready to pay her tribute to the works of genius; fear is selfish, and envious of the success of merit. In short, the one is the offspring of strength, the other, the wretched child of weakness: the one leads on, though by slow degrees, to great designs and noble actions; the other drags its miserable victim from every enlivening prospect, enervates all his faculties, and at length chains him down to obscurity for ever.

Your present feelings appear to me to partake in a degree of this slavish fear; I will endeavour to shew you the source of the evil. Independently of the difference which there is between the pursuits of men of business and pleasure, and those of men of learning, there is also a very unhappy prejudice in the great majority of mankind against any attempts at excellence beyond that which serves the purpose of the moment; and this prejudice has engrafted itself from generation to generation upon the minds of men, until they seem to be agreed to consider those personages who have attained an

established fame as set apart from the general condition of humanity ; to imitate them is therefore looked upon as an attempt little less than impious, and at all events, as fruitless. This you will say is a most egregious folly : it is so ; but it is nevertheless a very prevalent one, and it is easily imbibed ; for there are not many affections of the mind which have a greater tendency to produce false conceptions of things than admiration ; and how can it be wonderful that we are ready to exclaim, " This object is beyond my imitation," when our admiration is seconded by indolence ; when we have in fact lost every inclination to imitate it.

You see then that you have formed a false conception of your duty, and of your powers, or at least that you are subject to all the fear that can arise from such a false conception : this has happened either by contracting a foolish habit of talking as the people around you talk without troubling yourself to think, or else by a blind subserviency to what is usually called the general opinion. Now here you may again easily perceive the clear distinctive marks between modesty and fear : modesty will inquire into these general opinions, but with caution ; and will either wholly or in part adopt or reject them ; fear will bend before them with an undistinguishing servility, whether they be false or true. Probably you do not think yourself

deficient in courage ; but the fact is, you would esteem it an inexcusable degree of boldness to look upon some men of the past ages, and of your own time, in the light of companions and friends ; but this you call modesty ; to their excellencies you have persuaded yourself that you never shall be able to attain, and their works, therefore, fail to produce one spark of emulation in your breast. Tell me, my dear friend, do you mean to sink to the common level ? But why do I ask you ? You must conquer this infirmity ; you must think for yourself.

The independence of vulgar prejudices, at which I would have you aim, seems necessary to the formation of a finished character in every profession and situation in life: nay, I have little hesitation to affirm that there never was in this world a finished character without it; and if it is of greater importance in one profession than another, that profession is the Law, because it requires those exertions, and involves in its practice those various displays of energy and of judgment, that bring the professor more into the public view than any other. But how can a man expect to attain to excellence in these important qualities, if he has not that holy confidence which arises from this desirable independence? Surely it is impossible! The question is, How is it to be gained? Perhaps

it would be useless if not impossible to lay down any certain rule: if there be any one in particular to be marked out it may be that of continually comparing the opinions that are daily uttered, first of all with what we have discerned of the character of those who utter them; secondly, with the opinions and practice of those men who have left a clear and established reputation behind them; and thirdly, with our own discoveries: because this habit of comparing what we hear with what we know, and with what the great and learned have uniformly taught, will go very far towards a discovery of the intrinsic value of any opinion; and when we have learnt to estimate that, we shall soon gain the courage to approve or disapprove it.

If we were usually thus to try the opinions we hear, there would not be so many false and foolish opinions in the world as there are; many of those prejudices that are now abroad, and which have been handed traditionally down from father to son, would long since have fallen to the ground; and among them, this silent, inveterate, destructive prejudice that has infected in some degree even your understanding. I feel at this moment great difficulty in expressing myself; the truth is, I have a sincere and awful reverence for those great characters which have been scattered about in various ages and nations of the world, and I wish to preserve a

similar sentiment in you; yet at the same time, I feel an anxiety to fill up that gulph which keeps you at such a distance from them: to lead you up to them; and to shew you that you may lawfully emulate their exalted sphere; that they are men and not gods.

Let their works and their lives form, for a certain period, almost the whole of your daily study; this will, in time, familiarise you somewhat to their presence, and you will at length be able to breathe while you are with them; in process of time you will begin to think and reason a little, and by and by something like an opinion upon the various subjects of which they treat will dawn in your bosom; this by degrees will produce a spirit of inquiry, which has hitherto not dared to raise its head: You will be bold enough sometimes to ask whether even these revered characters may not have been mistaken. Ha! do you start? Is this possible? Thus, under the auspices of my favorite modesty, have I led you step by step to some intimacy with these renowned personages — Very well — you tremble less than you did — you begin to be composed — you advance towards them with a manly yet modest boldness. And now what do I see? I look into your study, and there I find Demosthenes, Plato, Cicero, Hortensius, Lord Bacon, Lord Mansfield, Sir William Jones, and a few more of

those exalted beings, who have delighted and amazed the universe, seated at your fire-side! Can it be? Are you able to think, to move, to speak? Oh, yes; I hear you are bold enough to reason too. What! do you doubt whether Cicero's conclusion be right? Can you venture to imagine that my Lord Bacon is wrong? Amazing! Nay, do you form a sentiment or an hypothesis which you conceive to be almost as just as his?

In plain and sober words, you must learn to judge for yourself; you must no longer remain the slave of prejudice. Do you think that such characters as these would endure that you should be a slave to it? No! they never were slaves themselves, and therefore their greatness was a natural consequence of their character. They thought, they spoke, they wrote, and they acted from themselves, and hence their estimation with mankind: this they arrived at by the very conduct I am pointing out to you: they revered the characters of their masters, but they dared to confide in their own; they were the subjects of modesty, and not the victims of fear. Accustom yourself then, when you are reading the works of these your masters and friends, to examine their principles, their arguments, their conclusions, but still with diffidence and caution: if you differ from them, do not say at once that they

are wrong, merely because they appear at the moment to be so ; that would not be the effect of the modesty I have been recommending to you ; it would be a most insufferable arrogance ; for they have been used to write and to act for posterity, and their opinions have not been commonly formed without great thought and labour ; they are not, therefore, to be hastily controverted.

Again, not only their works but their actions ought to be the objects of a similar investigation. Endeavour to mark their failings while you peruse the accounts of their lives ; see how the ambition of this man has led him too far, or the immoderate love of repose too greatly restrained him : how the profusion of that man has prevented him from being just, or his avarice from being generous : how the extreme application of the one has defeated the ends of study, or his indolence the purposes of life : how the intemperance of lust has destroyed another, or his want of social affection rendered his powers and acquisitions useless. Thus will you be truly imitating these illustrious characters, imbibing their most exalted spirit, and learning their noblest lessons.

My design, I repeat, is to arouse in your bosom an emotion towards excellence, an emotion peculiarly needful to the lawyer. But you will remember that what I say or write to you in this

cursory manner, (for I am hastening to more particular disquisitions), is to be considered only as a mere sketch or outline which you are to fill up, and even to alter where you may find it defective; for, at all events, however fearful you may be of making too free with your other masters, do not, I beseech you, carry the mistake so far as to have any hesitation in being perfectly at liberty with me. Adieu.

LETTER VI.

ALREADY you perceive that you possess powers of which till now you have had no conception, and with that discovery has arisen its certain concomitant, a desire to exercise them, and, what is a still greater felicity, this desire has not betrayed you into that weak impatience which is usually the characteristic of inexperience. You have now an object before you, which you are convinced is not to be attained but by repeated efforts; you will therefore be content to approach it gradually, though with an unremitting perseverance of exertion. Thus far all is well: you are satisfied that the character you are determined to sustain at some future time is worthy of your utmost labour; and you now

begin to think that you are not excluded, by any invisible barrier, from reaching to that excellence which others in former ages, as well as in the present, have successfully endeavoured to attain.

To be distinguished as a lawyer will henceforward be your ambition; and, when the various acquirements which are necessary to compose this character are considered, it is not to be wondered at that neither many have had the courage to attempt, or the abilities or good fortune to sustain it.

But now I have succeeded in my endeavours to demonstrate the relation that subsists between you and those who have been hitherto considered as so awfully separated from you, I am sensible of a new difficulty which will present itself, and which is really the more formidable because it is not apparent to the first view; and I am anxious to anticipate it before we enter particularly into the variety of objects that lie before us: this difficulty originates in the confusion of our ideas of excellence, or rather of our application of those ideas to practice.

The human mind is capable of vast exertions, and possesses, doubtless, great powers, it is nevertheless subject to the dominion of an almost invisible caprice; this caprice may be recognized, however, by the numerous changes it produces in the opinions of men, if not concerning the intrinsic nature of things, at least of the modes of

their demonstration. I will speak, for instance, of eloquence as a part of the grand subject before us. In one age he who can present to his auditors the simplest figures clothed with the wild, yet harmonious language of nature, is considered as the most eloquent; in another, these strains of nature, however they may be venerated for their antiquity, or admired for their simplicity, are no longer considered by the masters of eloquence as able of themselves to charm mankind. Under one form of government, he who can lead the passions at his will, is considered as excelling in oratory in proportion to the despotism of his dominion over them; under another form of government, such attempts are considered as ridiculous, and the judgment alone is to be convinced by the strength of reasoning or the arrangement of argument: in such a state the most acute reasoner is frequently esteemed the greatest orator; and so of a thousand other distinctions, arising from the influence of circumstances, which it is unnecessary to name at this time. Yet, in all these exertions, the constituent parts of eloquence are the same; in all ages and governments, imagination, judgment, language will be necessary to the orator, whether he be engaged in charming the rude sons of nature, in haranguing a tumultuous crowd of citizens, in addressing a senate, or in reasoning with a judge: they who are anxious to excel, labour only to adapt and

and mould these different qualities to the capacities and inclinations of their audience.

Those orators, then, who truly deserve the name, will shape the effusions of their eloquence according to the prevailing taste or prejudice of the times in which they live ; so that he who in a commonwealth hath borne away the palm for declamation, would, under a monarchy, have been equally eminent for cool dispassionate reasoning. This is the peculiar talent of a great mind, and indeed its distinguishing characteristic, that it knows how and when to bend itself before those invisible but mighty influences of the human character, which seem to impart to it a thousand different natures, without weakening, much less without losing, its own proper energies ; that it can distinguish between a total sacrifice to whim and passion, and the occasional offerings which necessity will sometimes claim ; that it knows the time at which to return to its own bias ; in short, that it is able to discern those innumerable shades of variety in moulding its exertions, which the generality of mankind pass over, without even dreaming that they exist.

It is impossible to mark out to you how and upon what occasions the distinctions to which I allude are to be formed, or even to analyze their nature ; it is enough that I put you upon your guard, by telling you that there is a ne-

cessity for you to attend to them : when you get into life, you must watch for them ; and, depend on it, you will find, in the experience of every day, sufficient reason to rejoice that you were forewarned.

You will now begin to consider those great examples of wisdom and learning and eloquence, to whom I have alluded, in the true point of view ; you will look up to them as models, which you are determined not only to imitate, but to equal. Here then come in the distinctions of which I have just spoken : in what way do you propose to imitate them ? You are going to peruse once more the orations of Cicero in their native language, with the classical beauties of which you have fortunately an intimate acquaintance ; and I dare say, from the views with which you will now look upon them, you will be engaged in a pleasure with which you have been hitherto unacquainted. You will be enchanted ; you will exclaim, Yes ! such shall be my efforts ; such shall be my eloquence ; I will astonish, dazzle and confound my auditors by the novelty, the rapidity, and the strength of my figures ; these beauties I will make my own ; and, if possible, I will improve them. Take care, my friend ! this is the very rock upon which you are the more likely to split, because its surface is overspread by an inviting verdure : enamoured as you now are of the beauties of

the Roman orator, you would, probably, were you in a court of justice, follow him without reserve; you would be vehement as he was vehement, and you would attempt to captivate and lead the passions as he did. Thank God, you have time to reflect, and will therefore escape the danger of incurring ridicule whilst you are striving for excellence. Remember, my friend, you will not be in a tumultuous forum, haranguing a licentious multitude of citizens, or endeavouring to move the passions of a despotic judge. — No! you will be an advocate for rights already ascertained, and protected by laws, to which the judges you address owe implicit obedience, and by which they are bound to decide. Your business will be to define, not to entreat; to reason, not to declaim: hence my argument: you must consult these mighty orators; you must acquire their energy; their fulness; you must transfuse the Attic spirit and elegance of their compositions into your own; but, I repeat to you, this must be done with the closest attention to the difference of your situation from theirs. The Roman would laugh an English advocate to scorn, were he to hear him address a British court of justice after the fashion of an orator in the forum.

In this doctrine of imitation there is a great deal of curious and abstruse learning, which seldom engages the attention of young men;

though, in fact, it is only while we are young that we are at all interested in the acquisition of it: but I will not at this time pursue it: I may take some future opportunity for this purpose, in the course of our correspondence: I shall therefore content myself, for the present, with having aroused, by a hint or two, some curiosity in your mind upon the subject. The only thing that I will attempt to press further upon you just now, with respect to it, is the necessity that exists for its investigation. Believe me, I would not willingly be so unjust to you or to myself as to waste the time which is so valuable to us, in useless disquisitions upon abstract theories; I must therefore plainly tell you, once for all, that I will not adduce any one maxim, or recommend a single rule for the regulation of your conduct in the course of your studies, which I am not firmly convinced may and ought to be applied to practice.

Without going, then, into further particulars at present, I will leave this upon your mind; that the making such distinctions as I have mentioned, is, as a general principle, worthy of your attention and examination, whether it be considered as relating to the extended prospect of life, or confined to the immediate purposes of legal excellence: it is applicable, nay, it is necessary in every study that improves and exalts the man; and it is particularly advantage-

ous in forming the mind to acquire and to sustain an eminence in that profession which has so close a connection with all the secret springs and open movements that influence and agitate the human character. Farewell!

LETTER VII.

YOU are right! this is not the age of application; and what is the consequence? It does not furnish, in a similar proportion, those examples of great talents which graced the times, when men were wont to estimate the value of their lives, not by the extent or the variety of their amusements, but by the acquisitions they had made in learning and philosophy. Yet one cannot but wonder, sometimes, that this noble spirit has so greatly declined, when all the circumstances of life combine to enliven it. What science is there that is either useful or agreeable, that has not, in some measure, been opened and explained by those sons of industry, whose labours have smoothed the rugged paths that lead to the temple? What species of learning that can allure, the rudiments of which have not been investigated, and its

asperities softened by those vigilant spirits? By them the communications which ignorance and prejudice so long kept closed, have been opened and rendered easy between the various classes of society, while the hands of elegance and refinement have strewed the way with flowers.

But there is a strange perverseness in the human mind! it can generate ideas, rapid, yet most exquisitely beautiful and correct; unless, however, it be urged by some imperious necessity, it will seldom exert its powers to apply these ideas to practice; no, not even to obtain the object of its fondest wishes. The ardent traveller is to be found amid dangerous and gloomy mountains; the loiterer is to be seen wandering among the cool and refreshing scenes of the valley: yet both these set out to attain some certain point, to reach some destined home. You will say, What wonder that the one should hasten to leave his rocks and sands behind him, or that the other, delighted with the scene, should seek repose in the inviting bowers of ease? But what a shocking perversion of all reasoning is this! The path is appointed as the medium through which we must reach the end of our journey; and he is certainly the happiest man who gains that point by the easiest and the pleasantest way: but what is the office of this pleasure? It is not to allure him to indolence, it is to invigorate and refresh him as he proceeds.

He, then, who suffers his journey to be retarded by the beauties of the way, prevents their proper influence. This is the true idea; a point is to be attained; we cannot attain it without labour; we seek to alleviate this labour, but still the point is to be attained. Now, in truth, all labour that is deferred is doubled. A man had perhaps better be consistent, and give up his point at once, rather than delay his exertions until his strength be gone. Can it be doubted that the professed man of pleasure if not a better and more respectable character, is for the present moment at least, a more happy one, than he is who has started in the race of honour without having had the resolution to continue in it? Such a man, by exciting expectations which he thus declines to gratify, has forged for himself chains, not only of slavery, but of disgrace.

The direct purpose of this letter is to impress upon your mind this idea, that every man who proposes to reach excellence, should acquire a spirit patiently enduring of labour. Point me out any profession in which a man is able to lift himself above the multitude without labour proportionate to the exaltation which he is seeking. Look to the profession of arms, to the church, to physic: can the professor in any of these distinguish himself without labour? Nay, look to the light and elegant amusements of life,

and in these you will invariably find, that a well-tempered application is necessary to procure even ordinary applause : how then in a science like the law, can you expect to rise without cultivating this spirit of labour ? For my part, I protest I do not know any pursuit in life that requires such various powers : taste, imagination, eloquence ; nay, what is the most difficult, yet the most necessary part of the character of a lawyer remains yet to be mentioned. We shall not lose our time if we dedicate a moment to examine the formation of this character ; the result, I doubt not, will be that which I am so earnest to inculcate upon your mind ; a conviction of an inviolable necessity for cultivating habits of laborious application, if you would distinguish yourself in your profession.

And I speak of this desire of excellence as the only adequate motive to induce the mind to an unremitting exertion. Some motive there must be to action, or nothing will be done ; for there is a natural aversion in the human mind from labour ; the prospect of advantage or pleasure can alone arouse it from its native indolence. A love of excellence is a motive of the best kind ; let it therefore be attended to : this it is that will lift us, in some degree, above the debasement of our present state ; this it is that has distinguished the few noble minds from

whom virtue and knowledge have emanated upon the world.

But what need of many words to display the worthiness of this motive? We will now proceed to investigate the necessity of action, since we are perfectly satisfied of the motive that urges to it.

The studies by which a man may gain the summit of legal excellence are infinitely varied: He must too possess the most opposite qualities, and be capable of exercising them; he must have a quick discernment, and yet a steady understanding; he must not be destitute of imagination, yet must he possess a sound judgment; he must know books, yet be well learned in mankind; the subtle technicality of law, and the enlarged beauties of classical learning; the solitary habits of study and the easy refinements of active life must equally distinguish him: in fine, he must unite in himself all those agreeable and useful qualities, by which he may at once command the attention of the acute and the learned, and render himself intelligible to the most ordinary capacity. Let him remember that every eye is busy in the discovery of his weaknesses, that every ear is open to the detection of his errors.

What a field is here for exertion! and yet I have presented you but with a hasty and imperfect sketch of the arduous task you are about to

undertake. But our correspondence is not confined to strict and formal rules : what is omitted, or but slightly touched upon at one time, may be more particularly discussed at another ; and at this entrance upon it, I have no other intention than to present to you a view of general principles ; accompany me with patience, and we will in time descend and apply these principles to particular propositions.

He who has not a mind susceptible of the habits of labour, or willing to acquire them, will never succeed at the bar : if such a man should entertain a design of studying the law, I would advise him to lay it aside. I know how pleasing it is to the young mind to have ease and honour presented to it ; but the combination, if not unnatural, is at least a very rare one : and the hope of meeting with it ought never to be indulged. To attain to an eminence in the law, is to attain to a great honour ; the labour, therefore, must be proportionate.

Men are generally inclined to hope that their particular lot will be, by some means or other, lightened from that weight which seems to be imposed upon the general conditions of life ; they are apt to suppose, that by an art or a good fortune peculiar to themselves, they can avoid the difficulties that have obstructed others, and shorten the road that leads to riches or fame. This notion springs from self-love, that mighty

perseverance : you say that day passes after day engaged in study, and you do not perceive a proportionate acquisition of knowledge. My dear friend, do you want to reduce wisdom and learning to a measurement of feet or inches? Would you weigh out knowledge by the ounce? The complaint you make has been urged by many, and I doubt not, that, influenced by a similar cause, many have relinquished every noble attachment in life.

What do we mean when we speak of labour? Have we a notion of pleasure? Do not let us torture and confound ideas to please our inclinations : the particular labour to which I allude, is that of a mind, bent upon a thorough investigation of the first principles of science. Now if, upon the first application of thought, the secret nature of these principles were to be discovered, would there be any difficulty? and if no difficulty, would there be any labour? All first principles are dry and embarrassing, consequently, they are at once uninteresting and full of perplexity ; yet they must be understood ; and science hangs upon a discovery of the true nature of first principles, and this is not to be obtained but by examining them minutely as they occur to our observation. Is it reasonable then to expect that the progress of a young inquiring mind should be rapid, or its discoveries multifarious? No such thing! Did our ac-

quisitions of knowledge depend upon the powers of imagination, the case would be otherwise ; but it is not so : and, I believe, upon this principle, we may account for the little inclination which men of a powerful genius usually feel for application ; the celerity of their imaginations forms but an unpleasant contrast with the tardiness of scientific pursuits.

And it was with a view to this particular idea that I spoke, in my last letter, of the averseness of the human mind from labour. Action and labour are two ideas, similar in their generic nature, but differing in their specific quality, and consequently as distinct from each other in their influences as any ideas, even the most opposite, can be. The mind is active enough in the creation of its own native fancies ; and, perhaps, to be free from the necessity of any other occupation, will be one of the privileges of a nobler state of existence than the present, where there may be that connection between the powers of the judgment and those of the imagination, which there is not, nor can be now : but, at present, the mind has no natural disposition to that sort of labour which consists in acquiring a facility in the force of terms, and descriptions of forms. Every inquiry of this sort is therefore constrained ; hence the slowness and difficulty of its progress in such a work. The mind loves not inferiority, and the necessity

of labour is the proof of an inferior state of being, in which it is to be observed, that nothing excellent attains suddenly to maturity.

But if the necessity I have mentioned springs from this source, still the source exists ; it is our business in all such cases to shape our conduct by submission to a power which we cannot repel. Why should we waste our time in making inquiries into its nature ; inquiries which never can be satisfied, and which, if satisfied, would still be useless.

You see, then, that there is a necessity for the investigation of first principles, if we would attain to science ; and that, from the very nature of that investigation, and the reluctance of the mind to pursue it, the progress will be slow : but this is the consequence of a general law of nature, and you must have learnt less than I am willing to think you have, if you cannot help repining at the submission you must make to that law. Pray, my friend, did you ever meet with the man who could measure his progress in science by clear and exact definitions ? I know that men are apt to say, What improvements this man has formed ! What discoveries that philosopher has made in a moment ! and then they turn from this admirable sight, and contemplate their own tardy motions with disgust. But this is viewing things through a very false medium : it may be accounted for by the

inattentive careless eye with which we view the labours of others, while every feeling is alive to the contemplation of our own. The truth is, we are in haste to make our acquisitions, and therefore we are upon the watch to observe every motion, and to mark every circumstance that appears to produce delay; add to this that impatience of application, which never fails to lengthen time in our apprehension. If we consider these things we shall not long be surprised at the pain with which most men pursue their first studies, nor that they are relinquished by many almost as soon as they are begun. Every failure of the memory, every weakness of the intellect, every influence of indolence, which we feel in our own study, oppresses us. But do we thus eagerly penetrate into the studies of other men? Of those who have failed in their first gradations towards science we do not hear, and cannot, therefore, have any knowledge. Of the successful we learn their success alone. How many hours of severe application, how many laborious and perhaps hopeless encounters with stubborn principles, have preceded that success, we seldom are led to inquire.

We are about to enter into the depths of some intricate science; we must therefore inform ourselves thoroughly of the nature of its first principles, and we find our progress slow; if we are unhappy at this, let us reflect that one

of these two things must be, either that this disproportion of our progress to our desire is, as I have observed, a general law arising from the very condition of things; or that the common lot of mankind is of a nature different from this, and our particular fortune an exception from that lot. I believe a very small portion of our time, devoted to this disquisition, would soon satisfy us that we are as well off in this respect as most of our fellow-labourers.

Away then with this despondency; let perseverance reign in its stead. You are a man, and you must be content to take life on the terms on which other men have taken it; and when you contemplate the works of learning and genius that have been completed, and that have obtained the admiration of the world, remember that they have been the produce of toil, although you cannot trace it in all its gradations; and remember also, that there is no barrier in the nature of things, which necessarily opposes the same happy consequences from your labour. Every man is a microcosm to himself; he is a particular specimen of the general character; this specimen, it is true, may take various shades and forms, but still the character remains. What has been done by others of your species, you need not despair of being able to accomplish, if you are determined to exert yourself, and have not had the folly to attempt a task,

which in its extent exceeds your capacity; the strength of which it is your duty and interest to examine.

In thus endeavouring to arm you with discrimination and fortitude upon this important subject, I know I have omitted many arguments, some, perhaps, the most obvious; but I have purposely forborne to urge them; you may supply them yourself. If, however, any further difficulties occur to you on this head, communicate them freely to me; I will cheerfully endeavour to remove them. Adieu!

LETTER IX.

WHY do you hesitate to make use of the licence I gave you in my last letter? I do not wonder at the doubts you feel, and, perhaps, I am not sorry for them; they are sure marks of an ingenuous mind. In undertaking the study of a science, so various as that formed by the laws of this country, I am aware that you are about to attempt an arduous task. It is true, the talents and labours of professional men have furnished you with most valuable clues, that will conduct you through its thousand

TECHNICAL intricacies. But still you complain of other difficulties, which require different aid. You tell me that you still look forward with apprehension, because, the more closely you examine the object of your pursuit, the more you perceive, or think you perceive, the inadequacy of your power to accomplish it. This idea is certainly no less disheartening than indifference to labour is enervating. I can readily enter into this sentiment, and I wish I could as readily give you a remedy for it: what I can do, I will; and I am the more anxious to effect this, as I am well convinced that he who studies without some degree of confidence in his own powers, and some assurance of ultimate success, is not only a very unhappy being while engaged in an honourable pursuit, but is also in danger of becoming still more unfortunate by being driven from his purpose.

This complaint may be treated, in the way of general doctrine, as applicable to the cases of many students, or of particular observation as it concerns the peculiar situation of your mind. Suppose we dedicate a moment to each of these; at all events we shall not lose much time; and something may occur that may be useful.

When the love of science first glows within the bosom of the young and inexperienced student, all is beauty and desire; every moment is reflected upon with sorrow that has not been

devoted to study. He seems to be travelling through a country, in which flowers appear to spring up on every side, which he has neither sufficient leisure to examine, nor power to collect. Allured by the delightful prospect, however, he continues to roam without thought, and to pluck whatever comes within his reach without judgment; his nosegay becomes large and various, and he flatters himself with endless pleasure in the contemplation of its beauties: when lo! he presently perceives that he has frequently mistaken weeds for flowers, and his nosegay becomes the subject of derision: at length he is taught that greater pains and a more discriminating eye are necessary in his researches, that he must confine his course to narrower bounds than heretofore; and that he must be content to examine a few only of the numerous productions that surround him: then it is that he begins truly to comprehend the object of his labours, he finds that he has been satisfied with a mere childish pleasure; and that he has effected little, because little has been understood. He meets with a new race of beings who have studied with accuracy the natures of one or two of the productions of this variegated country, and who are able to describe them in appropriate terms; this he also attempts, and is amazed to feel his incapacity. With what contempt does he now look upon his

late pursuits and acquisitions; and with what apprehension does he enter upon the researches which he is determined henceforward to make: how many unsuspected beauties start up before him, and call for a discrimination of their subtle natures: he thought he had collected a thousand flowers, he cannot now define the properties of one. What is he to do? Shall he go and gather weeds again, as in the days of his pristine ignorance? Shall he not rather seek those masters, whom he has just heard with such delight, and enquire by what means they have arrived at their envied knowledge.

But remember, my friend, when you are compelled to quit the charming wanderings of general literature, and to engage in the more difficult but more important pursuit of particular science, that you are not alone; many from necessity, and not a few from choice, have engaged in similar labours, and, by the power of perseverance, have overcome similar depressions. But you say, it is not from any idea that labour is unnecessary, or from any dislike against it, that the fear of which you complain arises, but from a comparison of the powers you possess with those which such labours appear to require: but I would ask you, Have you fully and minutely informed yourself of the extent of either of these? If you have not, which is most probably the case, then be assured that

a task remains to be performed, which must not be left unaccomplished ; it will be a very necessary help to the forming of your judgment upon this important subject. You say, you have just begun to look at the works of our best legal authors, not so much for information as for the gratification of your curiosity ; and, whichever way you turn, darkness and difficulty present themselves. But ought not this to convince you of your inability to form any decisive judgment at present ? for if such obstructions appear, they cannot surely be removed by the weak and transient attempts of a moment. You see as yet nothing to charm the imagination ; and your memory seems absolutely repugnant to any sort of commerce with the technical niceties of special pleading, or the still more abstruse learning of freehold tenures : you do not deny the utility or the importance of these branches of English jurisprudence, but you despair of ever being able to comprehend them. I refer all this to the same source of ignorance and inexperience ; and I am convinced that a change of opinion in this respect will be the natural consequence of a mature acquaintance with your profession.

But I would advise you not to trust implicitly to what you yourself say ; search your own mind and inclinations thoroughly ; this doubt of your capacity may have its secret source in

aversion from labour. This also may be the case with respect to the fears you seem to entertain, that after all your struggles, success may still refuse to smile upon you; and that thus your life will prove a shocking compound of fatigue and disappointment. It may be true that under this fear of the future, we would shelter ourselves from the exertions which we have no desire to make at the present. That many worthy candidates for success have failed, is a position which no man will deny; that with poverty and contempt merit has often struggled in vain, streams of virtuous tears have borne melancholy witness; but that the majority of those who have been baffled in their attempts have owed their misfortunes to their own misconduct, is also a truth which the experience of life will support. No man who is determined not to desert himself, and who does not seek to excuse an indolence of which he is ashamed, will proclaim his fears of the event of fair exertion. Hope is the companion of fortitude, and fortitude is ever the inmate of that breast which has learnt to sustain the combat with unavoidable difficulties. You are engaged in an honourable profession, and I know you would be proud of eminence in it; but you look with doubt upon your talents, and with fear upon your ultimate success. If the first of these does not prevail, do not permit the

second to be a conqueror : the first is reasonable, it indicates a good spirit, and deserves attention ; it is only where it gains an ascendancy, that it becomes a misfortune : the second is of a most slavish nature ; watch over it with diligence ; it is a powerful and a subtle adversary ; it is not only in the present pursuit that it will haunt you : whatever you undertake that requires activity of body or vigilance of mind (and what in this life is worth pursuing that does not ?) will be blasted by its enervating influences. I speak not of that manly sense of the incertitude of all human events, which is felt by the most generous minds, which tempers our noblest ardours, and regulates our boldest efforts ; but I speak of that insinuating, creeping fear, which chills the soul, and destroys, with a silent malignity, its best conceptions. With such a foe you must not parly ; oppose it with your utmost force till no trace of it remain. Adieu !

LETTER X.

THE business of this and a few following letters will be to point out to you an argument against the two kinds of fear, of which I spoke in my former letter, namely, the fear lest your powers should prove incompetent to the performance of the task you have undertaken, and the apprehension lest, by the want of success, the labours you so greatly dread may be rendered useless.

As to your incompetence to the task of studying the Law; I would advise you to consider well how you have been led to conceive thus highly of the difficulties attending that study, and thus humbly of your own powers; for there may be secret motives, as I have before observed, which may influence you to an opinion upon these matters, that will neither be allowed by reason, nor confirmed by experience. The disinclination you feel may not be a disinclination from the general study of the Law, taken as a science, but from those particular parts of it that appear harsh and uninteresting; and this may be so, although you do not suspect it: but you must recollect, that, were you to relinquish

the Law, you would find similar obstructions at the entrance into any other science ; physic, for instance, has its *materia medica*, and the first principles of the anatomical study must be, in many respects, not only very abstruse, but very disgusting. Can the most heavy imagination conceive any thing more completely dry and tedious, than some of those expositions and commentaries that were once said to load the reading of a young divine ? but of which indeed I know not whether it be the case at present. The tactics of the military science, do not perhaps offer any thing peculiarly inviting to the fancy of a man of genius : I omit to mention the grammarian, because the study of the elements of language is necessary to every man who appears as an advocate in our courts of justice ; else, were I inclined to dwell upon the labours of those, whose lives have been devoted to lingual disquisitions, I might point out hours of toil which would sicken the boldest candidate for fame, and damp his most glowing ardours. From that which creates so great a disgust in your present study, you would turn with equal dislike in every other ; for all sciences, I repeat, have their elements ; these must be understood by the pupil, and they are in their nature unwelcome to the fervid imagination of youth. Unless, therefore, you will be content to give up every connection with science, you must pre-

prepare yourself for these arduous conflicts with first principles. I leave unnoticed also the mathematician, the architect, the painter, and the rest of that silent multitude, who yet have never arrived at fame, without going through the most laborious processes of instruction; nay, whose very works will ever be esteemed by many, as a continuation only of the same process, even when the necessity of recurring to the rules of puerility is supposed no longer to remain.

If then there does exist in your mind this secret disinclination to labour, you cannot apply a better remedy than a conviction of its folly.

To reconcile you to an attempt which you seem at present so much to dread, I will propose to you in the first place, to consider seriously the nature of the task you have undertaken; secondly the time you have to prepare yourself for it; thirdly the extent of your abilities for its completion; fourthly, the aid you have already derived from education, and the assistance you have every certainty of receiving in your future progress; fifthly, the deficiencies you labour under; and, sixthly, the reward. I will treat of these in separate letters, and with them conclude all I shall offer upon the doctrine of labour: I will then proceed, if I am successful with you, to point out further parts of your way; but it is of little use to be

very solicitous about the distant progress of a journey which we have not yet determined to undertake. Farewel!

LETTER XI.

FIRST, let us consider the nature of the task you have undertaken: the study of the English Laws.

Every community has found it necessary to establish certain laws for the regulation of its members; and these usually have been varied in their nature and extent, with the growth of the community they have been formed to govern. While the inhabitants are few and their manners simple, the laws are neither numerous nor complex; but when the members of this community begin to multiply, and their habits of life become refined, the laws assume the semblance of science, and with the continued improvement of the country in commerce and in arts, they at length ripen into an abstruse and multifarious learning. In the first instance, the laws are easily promulgated and understood by the great body of the people; in the second, they generate a body of professors, who soon become a distinct, numerous and important description of men.

When theories of law have thus become loaded with learning and perplexed with subtleties, which yet cannot be safely separated from the national jurisprudence, what is to be done, even by the wisest man, who has been induced by his fortune or his inclinations to the study of the legal science? Is he to sit down and mourn over that degeneracy, which he conceives to be too usually the companion of greatness? Is he to be constantly looking back with a vain regret upon the days of simplicity that are gone? The hours of a recluse may be thus occupied, but this is not the business of a man of the world.

Such is your situation at this moment; you are about to study the laws of a country, famous for the extent of its commerce with other nations, and for the riches, independence and number of its inhabitants. Under such circumstances, what must not be the intricacy of its system of jurisprudence? since experience has established this truth, that the numbers and riches of a free people do not more frequently produce occasions of legal interference, than their freedom excites them to appeal to it. Yet, whatever may be your latent wishes, whatever your affection for the ancient simplicity, you must submit to take this system as you find it, and determine upon pursuing it through all its intricacies.

Leaving it then to those profound writers who have dedicated their days to the study of man

to remark upon the causes that have produced the degeneracy and the downfall of systems, you and I, my friend, will undertake the more humble, but I trust, not less useful, task of accommodating our minds to the present state of things, and of applying to the practices and habits of mankind as much virtue and talent as we possess.

As a multiplication of laws naturally produces a commensurate intricacy in the system, so does that intricacy engender a degree of subtlety in the professors, unknown to the simplicity of primeval jurisprudence. This has happened to the legal polity of our own country. The inventions of the Norman lawyers have been improved upon by their successors; and although the liberality of modern sentiments may, in some degree, have enlarged the notions and practice of our courts of law, still they abound with intricate notions, which, if they do not enlighten the understanding, tend at least to quicken the cunning of mankind.

When you enter as a barrister, therefore, into the courts of common law, you must assuredly reckon upon having to contend with men, who whatever their talents may be in other respects, have, at least, the advantage of possessing a keenness which is no where so completely acquired as in the exercises of the bar: who are versed in the niceties of practice, and who, so far from

having any motive to spare you, will, perhaps, consider it as perfectly justifiable to expose your ignorance, or deride your imbecility.

Should you, by your adroitness or your good fortune, prove a match for your antagonists, you will have conquered only one obstacle against your success. Upon the bench sit men of another description, who will search with a penetrating eye, and develope your inmost legal soul; who bring to their assistance, not only the force of talents and learning, but the dignity of experience and a superior station; for these personages, whose judgment a long and painful series of industry has matured, wit and eloquence have few charms, if they are not seasoned with a knowledge of life and of law.

It is true, the practice of the present day does not often afford to a junior counsel, in our courts of common law, an opportunity of directly addressing either the bench or the jury, at least not till he has been of some standing: but do not these judges hear and watch you while you are examining a witness? They do; and the examination of a witness is perhaps as true a criterion of the forensic talents of a professional man, as the most elaborate harangue that was ever addressed to a jury. Here it is, that that insight into the human character, that accurate acquaintance with an intricate ramification of law, that keenness of intellect, without which no

man will ever be splendid at the bar, may shine with a most pointed brilliancy. Can you, without the aid of these, succeed in wresting the truth from the hardened witness? Will you, without them attempt to follow, through all its mazes, the workings of a crafty mind, and develop its latent subtleties? Can you hope, thus unassisted, to draw a reluctant confession from the almost impenetrable breast of interest? to direct with clearness the embarrassments of the timid? to check with art the wanderings of the ignorant? This is a mighty task! too mighty indeed for the multitudes of young men that are daily assembled in the courts: but wherefore is it so? This we shall reserve for some future part of our inquiries; our present purpose is to ascertain the various parts of which your duty will be composed. Let it be remembered then that the examination of a witness will be among the earliest of your necessary avocations as a junior counsel, and that it is a very important avocation.

It is also the peculiar province of the junior to open the pleadings, and to see that they are in every respect correct; the latter of these includes what is called special pleading, and is justly considered as an indispensable qualification. If the cause of your client be lost for want of formality in the pleadings, whose reputation is at stake? the leader's? No! The junior is the man upon whose character the re-

proach must fall; he must answer for the consequences of this instance of ignorance or neglect. This is therefore a most important duty, and people will be hardly persuaded that any other than a fool or a madman will fail in a point in which not only the interest of his client, but his own personal reputation also, is so deeply involved.

To present, therefore, to the court a clear, accurate and technical statement of the pleadings in every cause in which he is engaged, is the positive and essential duty of a junior: upon this his future success may be fairly said to depend; at all events, a continued weakness or negligence in this point will be sure to retard it. And if one or two instances can be found of brilliant success without the qualification of technical skill, I think they ought rather to be mentioned as fortunate exceptions, than held up as examples, since the exaltation of these very persons, in spite of this deficiency, will convince us in a moment, if properly examined and understood, that nothing short of the force of a rare combination of genius and of felicitous circumstances could have rescued any man from dangers which have overwhelmed multitudes.

I will not here speak of such business as is comprised in motions of course and other forms that come within the compass of every man; but upon special motions and trials at bar, many ar-

guments on points of law arise which fall sometimes to the lot of a junior, and in which the exertions of his reasoning powers and a display of his legal acquisitions are frequently demanded. Here it is that you must be equally prepared to oppose your adversary in all the grand principles of the science, with a sound judgment, logical arrangement, a deep acquaintance, not only with the spirit but with the letter of the law, with a knowledge, not only of general rules, but of particular and local customs.

The junior will also have occasion, in the course of his practice, to go into the Sheriff's Court, to the Old Bailey, Quarter Sessions, &c. In these courts, not only his judgment but his tongue also must be exercised. Those who have frequented these courts, cannot but sometimes have witnessed the unpleasing triumph of a loquacious wrangler over deep discrimination and profundity of thought. These are busy scenes, in which, if you mix, and hope to succeed (and in such scenes the most respectable characters have been eminent), you must unite these jarring capacities.

To be able to meet every opponent upon his own ground, is an art which the lawyer must condescend to learn, seeing there are occasions that may demand the exercise of it; and it is an art which has been acquired and exercised heretofore by many great men.

of the most abstruse and difficult learning in the law.

As there is not in this court any jury, so there seldom is any examination of witnesses *viva voce*. This important branch, therefore, of a junior's duty is here, unnecessary: still, however, he has to open the cause as in the other courts; he is at liberty to follow his leader (with the fewer words in most cases the better) in a direct address to the judge; nor will he find an accurate acquaintance with the laws and principles of evidence, less necessary here than at Nisi Prius: Amid these more retired, but not less important scenes of disquisition, you will, in time, meet with the most valuable opportunities of displaying your talents. You are in a court, where the objects of litigation are usually of a nature more important than the great multitude of those which come before a jury; you will not be liable to those unpleasant interruptions from your brethren, which young men so often experience in the other courts: so that, upon the whole, if popularity be not so soon acquired in this court as it may be in the others, if something of the bustle and activity of life appear ~~to be~~ sacrificed to an oblivious progress, still much that adorns and humanizes the character of a man, much that adds to its dignity and leads to its elevation may both be acquired and displayed here with a power which is not easily attained by those whose

studies have been directed to the more busy scenes of Nisi Prius or the Old Bailey.

Although the doctrines and principles of this court are certainly connected with those of the common law in some degree, still they involve within them, in a degree also, those of the more expanded sentiments of the civil and natural law; with the learning of these, therefore, you must have your mind deeply imbued, if you expect to attain an elevated rank as an advocate in this court.

That your progress in the court of Chancery may be felicitous, you must be able to display, not only a good understanding, a manly eloquence, and an acquaintance with the general principles of the law of equity, but also a thorough, deep and well-digested learning in all the various doctrines that relate to the tenures of freehold, as well as to the possession of personal property, to the law of wills and administrations, to the regulations of succession, and to a variety of the most important subjects that can arouse the litigious spirit of an injured or an interested individual; for you will have to enter into a developement of the profound principles of those ancient and extensive systems, before a judge whose high authority, whatever may have been the complexion of his political pursuits, could hardly at this time of day have been obtained by him, but through a

long acquaintance with legal studies, and a clear conception of all that relates to the weaknesses and to the energies of the human character. It will be in vain that you attempt to amuse such a man with the flowers of a gaudy rhetoric, or with the frivolities of a superficial liveliness; he will search you to the bottom, and if he find not there law and reason, how can you expect he should lend you a willing or an attentive ear?

There is also another qualification which, although it may be thought to be of a very mechanical nature, is nevertheless of great importance to a junior in the court of Chancery: I mean the art of drawing bills, answers, interrogatories, and other pleadings of the court. A proficiency in this part of practice has been found, upon numberless occasions, to produce no inconsiderable advantage; nay, it may now with great propriety be considered as the very life and soul of a young man's success; for independently of the consideration that every draftsman is employed to support his own pleadings, and that, consequently, his appearance as a man of business in the courts, will be frequent, in proportion to the number of them; his reputation will attain an eminence commensurate with his skill in this branch of the profession; for, however prolix or inelegant these compositions may appear to the general scholar, it may be averred with truth, that no inconsiderable degree of

acumen and mathematical precision must be displayed in a well-framed bill or answer. How often do we meet with vague questions and indeterminate replies? How often will the man of discernment detect weakness and ignorance in what are commonly considered as the most easy exercises of the mind? A sound judgment will no where be more clearly manifested, than in labours of this nature; and he has very little reason to congratulate himself upon the possession of this valuable qualification, who has yet to learn that the art of stating a case and of putting questions is justly considered as a most important one. Clearness of arrangement and terseness of language, therefore, are in this respect highly necessary, and in truth it will not be an easy matter for the chancellor, or for any other person to conceive that a man, whose talents are inadequate to a clear statement of facts, or to the framing of appropriate questions, will be very likely to offer arguments that are calculated to attract the attention or to convince the judgment.

Besides all this, excellence in the point upon which I am speaking, is demonstrative of an acquaintance with the practice of the court: ignorance in it may prove fatal to you in the very outset of your cause; and cannot but give the chancellor, whose favour it will ever be your interest properly to conciliate, an indifferent

opinion of your industry, if not of your judgment. But I am now only stating your duty ; why and how you ought to follow it, will be the subject of future discussion.

You will have another qualification of no small value to attain, and this is answering cases. It is true, this is not often, fortunately for them, required of men who are young at the bar ; nor is it particularly restrained to those who practise in the court of Chancery ; but I mention it in this place, because, I believe, a majority of the cases that are answered, are answered by the practisers in that court. You will in this employment find incessant occasion for bringing into use all the legal knowledge of which you are master ; this knowledge must be clear, distinct and profound, as the language and spirit of your answers ought to be. Doubt, to a legal inquirer, is the worst of all evils, when the nature of the case will admit of certainty, and cannot patiently be endured where one's fortune is at risk : you will be required, therefore, in order to be prepared for this important exercise of your talents, to gain such a portion of legal learning as will prevent the necessity of hesitation, when the occasion for it does not unavoidably occur : this will naturally beget an air and language of appropriate confidence, which will produce a settled conviction either one way or the other in the breast of the in-

quirer: the interests of the profession and of individuals, and of your own reputation, demand this. I am aware that numberless cases occur, in which, from the ambiguity of the statement, the unsettled nature of decisions, and many other reasons, it will be found impossible to give an explicit answer: but then let the reasons for your doubts appear; and let even the language of your doubts be such as will demonstrate that they arise, not from your ignorance or indecision, but from the nature of the circumstance itself.

I would here warn you against a very prevalent delusion. It is common for young men to say, What is the use of studying so much beforehand? Cannot I acquire the learning as I want it? Does not every case carry its own law? Depend upon it such reliances upon future opportunities will deceive you. Should your mind be unversed in general doctrines, you will find unexpected difficulties in the search for particular examples as well as in the application of them.

Your practice may lead you into the Court of Delegates, the Cockpit, and the House of Lords; and as a natural consequence, produce numerous opportunities for the display of various knowledge; particularly in some instances, of the spirit and principles of the civil law, the law of nations, and of the canonical codes. The

objects that are usually brought into litigation before these courts are of great magnitude ; it is therefore incumbent upon every young man to perform his share of the business, in a manner worthy of its importance, in all those obvious particulars by which the interests of his client or his own reputation and practice are likely to be affected.

I pass by the Ecclesiastical Courts, because the systems of law that influence the proceedings in those courts are of a nature so different both from those of the common law and of equity, that they stand in a measure distinct from them, and because also the technical learning adopted by the professors of the civil and canon law will not be in any very great degree necessary to you : true it is, that in those courts are to be found some of the most valuable examples that any of our suits of law afford of a combination of mathematical arrangement, of demonstration, of attic wit and elegance, and of the most profound erudition in the writings of the canonical, civil and national jurists. And perhaps a portion of your early time would be spent with advantage in listening to the decisions of some of the judges of those courts : the consideration of this subject, however, does not come within the purpose of our correspondence.

There is a branch of law, for an accurate knowledge of which it is very probable you may

have some early occasions, whether your way be directed through the common law courts or those of equity, and this is the law of elections. Your juniorship will by no means be a barrier against employment as a counsel in the business of a contested election; which, although it may sometimes be declined by those in established practice, is generally found productive to a young man of assiduity and talents, both of pecuniary remuneration and of good connections. You will here find yourself in a scene of tumult that will require no small exertion to govern. A great proportion of the persons concerned are usually of the lowest class, and the utmost extent of the legal acquisitions of the judges you may have to address is generally a slight and perhaps an erroneous knowledge of the bye-laws and local customs of the corporation over which they preside; but still, as the validity of votes, and a thousand other circumstances of importance both to the electors and to the candidates, are very frequently made to depend upon those local customs and bye-laws, it will certainly be of the utmost consequence to you, when you are engaged in business of this nature, to be accurately acquainted with them. Here too, as well as in many other of your legal exercises, particularly while you remain a junior, you will find it most necessary to possess a talent of bending yourself to the affairs of the

moment, of acquiring quickly an intimacy with those habits and manners which you must presently shake off again. You will frequently find it expedient to state your own objections, or to remove those of others, in a strong and plain manner ; for more is frequently done in assemblies of this sort by occasional sallies of a not over nice and delicate wit, than the most laboured and polished harangue would be able to effect. Neither must you at such times permit your sensibility to rule too strongly. It may be that, in the joy of his heart at being restored to franchises which he had given up for lost, or being presented with such as he had no expectation of receiving, some honest mechanic may embrace you with a rude sincerity, and grasp your hand with no welcome fervor, as a token of his gratitude for your exertions, and of his admiration at your wondrous eloquence. At such a moment, you must learn to forget that fortune, and perhaps nature, have made some little difference between him and you : you must not shrink back either with disdain or fear : there are a thousand reasons of manly good-nature and philosophy why you should not ; but I will set them all aside just now, and only remind you that, by a contrary conduct you are conciliating future votes for your client, and consequently future suffrages for your own interest.

But the business may not end here; the election in which you are retained may be further contested, and that which began in a country borough may end before a committee of the House of Commons.

The business of the circuits will also in the course of a short time after your call begin to engage your attention; in the choice of your circuit you will of course be directed by your connections and other existing circumstances: but to any of them, in which it may be your future lot to practise, you must carry with you a ready acquaintance with the law and the practice of the courts; and you will find a particular utility in a clear conception of the law of ejectment.

You must likewise, in your practice at Quarter Sessions, pay attention to the poor laws, as questions respecting the settlement of paupers are frequently agitated; and it is therefore of moment, to be well acquainted with this branch of law.

Should you dedicate yourself to the courts of equity, you will not long perhaps find time for the business of a circuit; the chancellor, the master of the rolls and the vice chancellor, sit in their respective departments, in seals, causes, petitions, and other business, nearly the whole time that the judges are on the circuit; so that, supposing you to have a given quantity

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of practice as a Chancery man, you have the same chance, at least, of increasing it, as a man of the common law courts has upon the circuits. Of the circuits, if any are chosen, a Chancery man will find a Welch circuit, and perhaps part of the Oxford, the most convenient, and better connected with his business. In matters of this sort, however, you will of course be determined by motives of convenience and policy.

In the court of Exchequer you will have particular occasion for the learning of the law upon tithes.

I have thus endeavoured to present you with a sketch of the various duties you will have to perform in those branches of law, in one or other of which you will probably one day be engaged. It has not been my intention to enter into technical descriptions or allusions; there are books enough to instruct you in the manner of performing your business; and what they want in correctness, your own observation, and the information of other men similarly employed, must supply. I have other views; I would animate you to cultivate a spirit that will lead you up to eminence; still, however, I thought it perfectly congruous with this idea to lay before you, in general terms, the nature of your future avocations; and this long letter has therefore worn an aspect of business, which will not

appear frequently in the course of our future correspondence.

You now perceive what reading, what facility, what keenness, what varied powers of thought, of language, and of action are needful to enable you to move in the scenes I have displayed before you, with superiority: as a junior, what command over yourself to restrain the impetuous desires of ambition from overleaping the boundaries which form and custom have established: as a leader, what nerve of eloquence, what closeness of reasoning, and extent of reading must mark your character, and enable you to fill that situation with credit to yourself and advantage to your client. You will be convinced that the purest sentiments and the highest natural talents will do but little for the Barrister, without the aid of severe study and deep research.

LETTER XII.

WITH labours of such magnitude before him, a man must have very little feeling or reason who would be in haste to engage in them: the delays that arise from forms will be

the subjects of his approbation rather than of his discontent; he will not look upon the books of our inns of court with much regret, because his name must remain upon them five years (with the known exceptions) before the Benchers of those societies will admit him to their bar.

At a time when the confined commerce of our countrymen with foreign nations and with each other had rendered an acquaintance with the theory rather than with the practice of law a criterion of abilities and of eminence, a term far more extended, than that I have just mentioned, was considered as necessary to qualify the student for the honour of a call: accordingly we read of *ex gratia* calls, after a period of eight or nine years, conferred upon those who had displayed uncommon talents and industry. What then shall we say when legal ideas and legal reading are so greatly multiplied as they are in our time? When, from the mutations to which all public as well as private systems are liable, the barrister must not only be a man of deep study, but of active practice, adequate not only to the elaborate compositions of the closet, but to the keen and lively discussions of the courts? Five years will not surely now be thought a tedious or unnecessary term; nay, upon the reflection of a moment, we shall perhaps find cause for surprise, that they who are constituted

as it were the guardians of the bar have not rather lengthened than abridged the term of probation.

Not unhappily, perhaps, for many students of the law, there is no formal compulsion to the bar, even at the expiration of the appointed term: an ingenuous youth, who feels the necessity of eminent qualities in order to appear with lustre in his profession, will deem it no infelicitous circumstance that he has the power in his own breast of prolonging a time which has not yet afforded him sufficient opportunities for the important preparation. How many young men do we see at the commons of the inns of court, who, at the expiration of their study, must yet be immature for all the purposes of forensic exertion ignorant of mankind and of themselves, at an age too green to admit of experience, and too susceptible of trifles to allow of application; with an appearance calculated rather to excite the doubts than to cherish the confidence of men of the world, one would naturally think they would rejoice in the opportunity of gaining experience; and that, conscious of their imbecility, they would be grateful for the lenity which has permitted them to remain in obscurity, until they have acquired sufficient strength to bear the light.

I do not mean these observations to be considered in any thing like a ludicrous light. Not

a single moment of the five years allotted to a student should be lost ; that student who maturely considers what he has to do will estimate them at a high price ; he will recollect that he has not only to acquire knowledge, but also to preserve what he has already gained ; and that the repetition of the lessons he has formerly learnt will necessarily consume a material portion of his time : he will remember too that many hours must be devoted to rational recreation ; and that not a few will be wasted, in spite of his utmost vigilance, in unmeaning gaieties and trifling amusements.

When our frugal and industrious ancestors prepared their children for the common avocations of a laborious life, they set apart seven years for the term of apprenticeship ; not that so large a portion of human life was, in every instance, necessary to proficiency in callings that, generally speaking, required no extraordinary exertion of intellect ; but they doubtless reckoned upon the efficacy of habit, and upon the misapplication of time ; and they concluded reasonably enough, that in the course of such a term, habits of industry would probably be fixed in the youthful mind, and that when the hours appropriated to rest, to diversion, and to indolence were subtracted from the original sum of years, the surplus that would remain would not be more than sufficient to answer the purposes

that were intended to be answered. These homely but just ideas were extended to the profession of the law; and we find even the barrister of ancient days designated by the plain epithet of apprentice; and, as I before hinted, the admission even to that apprenticeship was preceded by a term of probation, almost intolerable to the impatient spirit of a modern reckoner of time.

Under the impression of these ideas time appears to have been esteemed as a privilege, and not endured as a load; and if, by the influence of apparently more liberal opinions, the severity of discipline is relaxed, and men are permitted to adventure into the world at an earlier period than heretofore, yet there cannot be any good reason for indolence on the one hand, or for impatience on the other. Indeed, from the present state of human opinions, from the multiplicity of our laws, from the vast accession of practice, and from the increase of design and cunning, which a departure from simplicity inevitably produces in the commerce of men, a thousand reasons arise for the necessity both for length of probation and for ardour of application, since all these dispositions and circumstances tend to render the courts of justice the appropriate field of a most intricate science, which would have no existence were truth and honour the only companions of mankind.

You will think that I am saying nothing new when I tell you that a knowledge of mankind and of ourselves, which is as necessary to the barrister who arrives at an honourable eminence as a knowledge of law, is not easily acquired ; and yet we constantly act as if there were no branch of science we can so easily master : this we owe to the vanity that hinders us from perceiving either our own weakness, or the almost innumerable shades that distinguish the human character. While, therefore, we are fondly congratulating ourselves upon the facility of our study and the depth of our penetration, we have every thing to learn : now, because the events and the experience of life are connected with the progress of time, it is evident that no small portion of it will be required to discover our errors in the first place, and in the next to repair the consequences of them ; and this is no fabulous idea. We daily see men at the bar with a respectable share of book learning, nay, with no small degree of a certain sort of talent for eloquence, and yet we venture to pronounce secretly of these men, that they will never soar above mediocrity : this is a sort of feeling which rests satisfied with its own prophetic certainty, and therefore the reasons that produce it are seldom analysed ; but should the question be asked, the answer would, in a moment, doubtless be, “ He

“ has been in too great haste; he knows nothing
“ of the world or of himself.”

I will not at present pursue this part of our subject any further; I intend in a future letter to speak of the age which appears to me the most fit for your assuming the character of an advocate; in that letter I will give you my sentiments more fully on this head. Adieu!

LETTER XIII.

THE human mind is, certainly, of a most curious construction; it seems to possess all the capacities necessary to the formation of plans, at once of the most acute, the most comprehensive, and the most magnificent nature; it can clearly discern its duties, and point out with the nicest precision the surest way to the performance of them; it possesses all the admirable qualities of a preventive forethought, and it can receive and digest the lessons of wisdom and of virtue; but the moment it attempts to propel the body, with which it is connected, to the execution of these designs, its powers seem to decline, and it appears anxious to receive aid in its endeavours from the various circumstances that arise in the scene of action.

No sooner, therefore, do we begin to realize in labour those designs which the powers of the mind have so accurately and with so much facility delineated, than we also apply for assistance to the labours of others, by which our own fatigue may be alleviated; or we comfort ourselves with frequent anticipations of the reward which we hope will crown our work and recompense our toil.

Hence it is that we seem to be naturally led to compare our strength with the labour we have to endure; and this has often proved a source of consolation. In the course of such an examination, we not only frequently find ourselves possessed of powers that have long been unperceived, but we also feel a courage rising within our bosoms that animates us to perseverance in the execution of a design which but just before had depressed us with fear, or perhaps overwhelmed us with despair.

It has been with a view to arm your mind with this necessary courage that I have undertaken to consider, in the outset of our correspondence, the nature of the task you are about to attempt, and the resources that are within your reach: to aid you in its honourable completion, I began with pointing out to you faithfully, and as accurately as I thought the nature of the subject required, the sort of business you would probably, at one time or other, have to

do; and I am now employed in enquiring by what means you will be able to perform it. My last letter shewed you the felicitous circumstance of opportunity for preparation, but there are other reflections behind, and one of them is, that you already possess some positive powers and advantages; let us for a moment see what they are.

First, as to the qualifications of the mind: there are certain qualities of the mind of a very noble nature, the want of which cannot be dispensed with in him who is determined to be eminent at the bar. A clear intellect, by which I mean the faculty of darting in a moment upon the truth, is indeed a choice gift of nature; it may be improved, but it never can be acquired; it is that power before which ambiguity and confusion fly away; it is that influence which irradiates whatever system it pervades; which separates in an instant the most entangled and perplexed ideas; it descends to the minutest circumstances in the affairs of men, and dissipating the mists with which they may be enveloped by craft or by ignorance, draws forth to the light that little secret motive which gives them their real character, and which is so often sought in vain.

Of the importance of this excellent faculty I may speak at some future time; at present I must be content with telling you for your com-

fort, at least as far as my judgment is of importance to you, that you possess some portion of it. In many of the conversations which I have had with you, I have, without your ever perceiving my design, tried this in various ways, and am satisfied : but it is not improbable that you are ignorant of your own excellence in this respect, and there are two important reasons why I unfold it to you now ; the first is, that you may be encouraged to perseverance : depend upon it that without this faculty no man ever made a great lawyer, and that with it no man ever failed of being equal to sustain that character, if it were not his own fault. In the second place, it is necessary that you should be made acquainted with the powers you possess, that you may cultivate them. Much depends upon this, for many men have been lost to society because they had no early friend who would distinguish their talents for them. All the follies that wanton in the train of self-conceit are the offspring of this wretched ignorance. The man who is left to his own discrimination frequently imagines he has talents of a more than ordinary kind ; he takes them in the bulk ; the world does the same ; he considers himself, and is considered as a very clever person ; he is satisfied ; he is ruined !

You have another valuable quality, prudence ; this, if it be not a natural endowment,

which is not worth our while to examine, is at least very difficult to be acquired. I do not so much mean here that prudence by which men, in the management of their affairs, save themselves from difficulties; I mean that sort of discrimination which enables us to discern the beauty and nature of arrangement in argument, the order and propriety of times and occasions, and which, in short, regulates, if I may so say, a vast region of legal intelligence. This quality is not, I think, the necessary, although it is the frequent companion of that excellence which I first mentioned; but certain it is, that its influence is very useful in forming the ebullitions of a superior nature, for the understanding and information of inferior men.

I know not a juster method of appreciating this excellence than by observing the effects which the want of it produces; let us, for instance, listen to an orator, by whom we wish to be directed in our conclusions upon any given proposition; shall we not feel dissatisfied if, forgetting the point before him, he wander about from idea to idea, from sentiment to sentiment, all, perhaps, taken separately, tolerably just, but all still unconnected with the subject, and consequently incapable of affording us the information we are seeking? Nay, I will go further, I will admit that the various parts of

his oration shall not be wholly irrelevant to the subject in contemplation : yet, will not a similar disappointment follow to the auditors, if, scattered over a wide extended field, their force be weakened for want of the perspicuities of arrangement? If then the effect be lost, even of very noble sentiments, by this want of order, how happy ought you to feel yourself upon whom the power of it has been bestowed ; you did not perceive these powers before ; indeed you did not suspect you possessed them. Go on, improve them ; they will be weakened by neglect ; and if, in the foolishness of self-confidence, you think they will never fail you, the only chance you have of being convinced of the contrary will be, when, too late, you have discovered that the man of humble industry and of perseverance, whom you despised, has outstripped you. This hint I have dropped before, perhaps, but it will bear repetition.

There are many other qualifications which I call native, that I might safely say you possess in a greater or a less degree, and many more that are to be acquired ; but there would be no end to my letter if I were to enumerate them ; nor is it necessary ; my purpose is to animate you to the performance of your duty ; I therefore shew you that you have a capacity adequate to the performance of it ; and I think, as far as we have gone, that that purpose has been pretty well answered, and there are few important

qualifications, which may not be acquired by him whose mind is strengthened by those excellencies I have already mentioned.

Secondly, as to the qualifications of the body: nature has not been less liberal towards you in this respect, than she has been in her mental favours. You have received from her an erect well-formed figure, calculated to interest those whom you may have occasion to address: this is a gratifying circumstance; it gives a confidence, sometimes, which, if not permitted to overstep the modesty of nature, produces no unpleasing effect. The features of your face are likewise fortunately formed; and I am happy to observe that you have an eye capable of conveying every sensation from your own breast, and of arousing every affection you can wish to arouse in the breasts of those who hear you.

A clear and energetic voice is also another personal advantage of great moment in a profession, in which, if eminence be attained, there will be so constant an occasion for speaking: this you possess in a degree which, if properly attended to, will at length produce that euphony which is so adapted to catch the ear and to captivate the attention. Neither do you appear to me, upon occasions of argumentative discussion, to be at any loss for words; and I observe too that, by a carefulness in the choice and management of them, you need not fear being soon in the possession of an easy, a clear, and yet an ani-

mated stile. Of how much consequence the cultivation of these advantages will be to you, it may be my business in some future letter to discuss; and I therefore at present content myself with pointing out the possession of them to you: how they may be improved, and how those which you have not may be acquired, is a very interesting, but a very different topic.

Indeed I have a motive, in addition to those I have mentioned which has induced me to write this letter, by shewing you that you are in the possession of the most material requisites for attaining celebrity, and for acting with propriety in the honourable character of a barrister; I would urge you to seek more deeply into yourself, both that you may derive an honest confidence from the consciousness of the powers you have discovered, and may be induced to search whether others do not yet remain, the existence of which has been equally unsuspected; it is under the impression of this idea that I have forborne to lengthen the catalogue of your good qualities; but this seems to furnish me with a handsome opportunity of adding one more to the list which indeed serves like the headstone of the corner; good sense: this is yours, and if it be not itself the most active quality, it is of the most essential service in regulating the influences and activities of others; and you may very reasonably think yourself happy in the share you have

of it. It is a possession not quite so common as appears to be generally imagined.

LETTER XIV.

IN an advanced progress of society, the way to eminence is filled with obstructions unknown in the days of early simplicity. With the accumulations of refinement, the taste of men becomes fastidious, and it is not sufficient that we have much natural excellence, we must be also well disciplined in the rules of art, before our claims to exaltation will be allowed.

You are ambitious of a name in a profession in which the assistance of art is peculiarly requisite; in which the simple strains of natural eloquence alone will not uniformly command the palm of victory. Do you want another inducement to ardour in the prosecution of your studies? Let us see then what advantage you have already derived from art; and what you may yet acquire!

From a very early period of your life you have been addicted to grammatical studies; such an induction into learning is no trivial advantage in times of refinement like the present; and you have made such a progress in them, that your

have now little to dread from the slavery of the elements of this art. Thus you have been enabled to attain a very accurate knowledge of the principles of your own language. The best, and, perhaps, the only way to form an appropriate idea of this advantage is, to place yourself in the situation of a man, whose nature and whose fortune have been so dreadfully at variance, that, while from the former he has derived all the capacities, and what is usually the consequence of these, all the desires for excellence, the waywardness of the latter has debarred him from every opportunity of exercise and improvement: this, let it be remembered, is a very possible and a very natural situation. Draw the comparison between such a man and yourself: in the days of simple nature, his powers, perhaps, would have been as formidable as yours; but the world has been debauched into a love of systems, and the rude but powerful effusions of nature retain their accustomed influence no longer; they must be refined by the hand of art ere their power will be felt; you have conquered the elements of some of these systems, and you may now, therefore, begin to use them to advance your progress in the higher parts of science. But what would be the misery of your condition if you had these elements still to attain? Only contemplate the alternative for a moment; you must either relinquish every

view of honourable ambition for ever, or attempt a labour which has appalled the proudest spirits.

How many scientific advantages do we frequently possess without being able to estimate them with propriety! this of grammatical learning is among the number; and I dare to say that the idea of what you would feel, if smit with the love of your present pursuit, you had that learning still to acquire, has never obtruded itself upon your breast; yet it is very proper that you should reflect upon it. The labour of many years from the present period would scarcely suffice to procure for you what you already have gained in this respect; be happy then that your fortune has been kind enough to fit you for the honourable pursuits of life, and evince your gratitude by the uniform perseverance of your industry.

Your pursuits at the university, so far as they have gone, have also, fortunately for you, been of a nature very beneficial to your legal progress: by a proper application of the mathematics, you will in time acquire that valuable and necessary art of precisely defining terms, and of arranging ideas, the want of which is sometimes witnessed by those whose time is spent in our courts of justice. Your logic is very promising; it has already set you above the little paltry art of words, which degrades so

many men, and it will aid your natural accuracy, and produce that clearness in your perception and your reasoning, which will not fail of gaining the attention of your auditory, and of doing credit to yourself. Your ethics, too, form at least a solid foundation for a noble superstructure. In short, notwithstanding your disappointment in respect of your college residence, a great part of what the schools could do for you, by way of forming a well digested plan for future improvements, has been done; to carry it into effect must rest with you.

What yet remains is a necessary share of legal learning. In this, as I have shewn you that you will have sufficient time, so you will have all the opportunities and aids that you can reasonably require; you will have instruction in all the technicalities of whatever branch of the profession you may think proper to embrace, under the tuition of some able special pleader or equity draftsman; you will have the benefit of the labours of those diligent men who have preceded you, in the way of reports, commentaries, lectures, institutes, and other tracts of united industry and learning; and you may likewise attend the courts in term time and at the sittings: from these united sources, and from your future practice, it will surely be your own fault if you do not draw the most copious draughts of legal information.

Under these circumstances, upon which you see I have but barely touched, you set out in your career. Can it be endured then, that you should cry out, in an unmanly strain of complaint, that you are not equal to the study of the law? I appeal to yourself, whether, in fact, you have ever before the present moment fairly investigated either the nature of the task which you have to perform, or the powers which you possess for the performance of it. To speak a bold truth, the dissipation of the times has produced a very unhappy effect; I speak not here of indolence or pleasure, for these are but too apparent; I mean a more subtle enemy to science and to the human mind than either of these; a contempt for every thing that is solid and useful in knowledge, and for those who follow it.

If this be the first time you have been induced to turn your thoughts to such a scrutiny, let it be made with a clearness that becomes a good understanding; it is an exertion worthy of any man who pretends to the cultivation of science; and the neglect of it will certainly produce unhappy consequences: hence the numbers whom we daily see shrinking from their duty at the bar, or performing it weakly; hence the flight of many from the inns of court to the obscurity of the country or the dissipation of pleasure; hence the choice of a wandering

and uncertain life of general literature ; in which it seldom happens that any fixed character of eminence is acquired, or any profit is gained ; and hence, for it is not pleasing to enumerate the weaknesses of life, many a noble spirit sinks into unworthy existence in gaming-houses and brothels.

Do not blame me if I appear to be severe : I have a high regard for the profession of which you will become, I hope, a distinguished member ; and I own it is with mingled anger and regret, that I observe some men, whom nature has formed to be the ornaments of it, turn aside from her dictates, and treat her favours with neglect ; that I see others, who have every support which birth and fortune can bestow, who are yet so little sensible of the superior advantages they enjoy, as not only to refuse all further improvement, but even to neglect that which they have already attained.

The conclusion I draw from what I have thus far stated to you upon this branch of our subject is, that you may proceed without fear ; however, as we are not yet arrived at the end of our disquisition, we will see if we cannot extract further aid from the two considerations that remain, the deficiencies under which you still labour ; and the reward that awaits the diligent and successful lawyer : and when we have finished the statement of all that

relates to the exercise of this character, we will hasten to less confined, and probably more pleasing scenes of speculation : we will see by what means, that best become us, we can perform our task with integrity, and enjoy the reward without disgrace. Adieu !

LETTER XV.

BEFORE I proceed to the discussion of your deficiencies, I will answer your late unexpected letter. So far it seems, are you from forgetting or undervaluing your grammatical attainments, that you ask me with great appearance of anxiety, which I am by no means displeased to see, what in the midst of the labours I am recommending to you, is to become of your classical learning? Is that delightful and elegant department of science, which has been explored with the diligence of so many years, to be neglected for ever? Are those honourable pleasures, which have been earned with so much difficulty, and which we are but just beginning to taste, to be snatched from us in the very moment of enjoyment? You have a mind capable of relishing the beau-

ties of literature, and I do not, therefore wonder, at your disquietude concerning the fate of studies to which you are equal, and which I know have ever been pleasing to you: we will therefore dedicate a few minutes to the discussion of this subject.

But before we proceed to this discussion, suffer me to ask you one question in the sincerity of friendship; Whence is this new solicitude? I call it new, because I have never heard of it before. I have recommended to you a science, and a plan of life, which I am ready to allow must take up no small portion of your time; yet I will venture to say, that for these three or four years past, you have sacrificed a much greater portion of it to the calls of pleasure and the follies of idleness: you have been engaged in a course of life which has been far more rapacious of your opportunities for the enjoyment of classical literature, than that which I have been attempting to chalk out for you: yet I have never before heard from you, in our various correspondence or conversations, any clamour about this robbery of your classical pursuits: but no sooner do I propose a close attention to your legal studies, than you instantly are alarmed, lest you should be deprived of your beloved classics! Take care that this does not originate in indolence; remember, it is possible for a man to be as idle with Cicero, with Homer, or

with Virgil, as with the lightest female that ever sighed for the theatre or panted for the drawing room.

I believe, however, that your cares on this head are not affected; and only intreating you to attend to the hint I have just dropped by the way, I will now point out to you the sentiments which I have often suggested to myself on the idea that a man of professional business may in some degree retain and cultivate his acquaintance with the classics.

What is there that is valuable in human life; what that is profound in the moral science; what that is beautiful and sublime in the imagination, that is not depicted and enriched in the writings of the ancient classics? The world untutored, yet teeming with the seeds of knowledge, lay before them; they were as gods living among men in the infancy of human understanding; what they uttered and what they acted, bore the stamp of the superiority of wisdom; some of their works have reached us through successive generations with an undiminished brilliancy, and they will doubtless remain a monument of the power of the human intellect to the latest ages.

Whether, therefore, we contemplate the writings of the ancients as the genuine relics of antiquity, or whether we regard them as models of genius, of learning, and of taste, we cannot

fail to derive manly gratification and real improvement from the perusal of them: nor has it, I believe, ever yet been found that he, who being capable, from the force of education, of such a perusal, has yet remained unimpressed by their beauties, has ever been worthy of the name of either a great or a good man. I would scarcely hesitate to say of such a person what our bard long before me has said, perhaps, with much less justice, of the man who is insensible to the charms of music: "he is fit for treasons, "stratagems and spoils; let no such man be "trusted."

To give up for ever an exercise, from which the mind may derive at once her noblest virtues and her brightest ornaments, is a sacrifice too great to be made: to part with one of the purest pleasures of reason and the imagination for any hope of profit or of fame, would be equally out of the power and the inclination of a wise man. Happily for us, we are not, in any circumstances, of which I am aware, that attend the legal pursuit, bound to so tremendous a sacrifice; and I hope to shew you, that you may perform all the duties which I am capable of pointing out to you, or which you are able to discern for yourself as a student of the law, without being compelled to neglect entirely the graces and the pleasures of classical learning.

In the first place I will speak upon the utility and necessity of cultivating a continued acquaintance with the ancient languages; and in the next point out a plan of study of them, without intrenching upon those other avocations, which, it must be owned, are of greater importance in the general opinion, to the main purposes of life.

There are few, I apprehend, who will gravely attempt to argue, that to a person destined to support the character of an advocate in a British court of justice, a knowledge of the learned languages will be unnecessary either for embellishment or use. It is not, therefore, to oppose any such arguments that I mean to canvass this subject; but, because many of those who would be far from advancing any arguments of this sort, nay, who would, perhaps, be the first to ridicule them, are still suffering this important learning to lie by them entirely neglected; and I would wish to arouse them from a carelessness disgraceful, at least, if not dangerous.

A cultivation of the ancient classic writers, and consequently, of the languages in which they have written, imbues the mind with just and elevated sentiments; and produces strength and facility of eloquence: from the former we shall be enabled to take clear, yet enlarged views, of every department of human life; and

the latter will put it in our power to deliver our ideas in appropriate terms, and secure to us the respect and attention of our auditory. These are important advantages : and from what purer or more copious fountains can we draw them, than from the polished and energetic compositions of the poets, the orators, and the historians of Greece and Rome? This is the fountain at which all those who have excelled in sentiment or in language have drank.

No difference is so easily perceived as that which a knowledge or an ignorance of ancient literature creates in the manner, the look, the voice, and the language of those who attempt to utter their opinions in public, and this even where nature may not have been very liberal in the gift of eloquence. Under the influence of the former, there is a lucid order, a chastity of sentiment, and a language of appropriate manliness and harmony; the manner will be composed and independent, the tones of the voice firm and adapted to the occasion, the eye will be piercing and commanding, and the whole countenance elevated and illumined : in short, such a man shall say but a very few words before you are thoroughly convinced that he has formed an intimate acquaintance with those great characters who have justly obtained an immortal name.

Very different from this are the character and manner of him who has thought proper to neg-

lect or despise the polish of ancient literature. However extensive the gifts may be with which nature has endowed such a man, he will still remain but a mighty savage : unpolished, unchastised by the elegant and animated lessons of the masters of science, his thoughts, his language, his manner, will be too rude and too boisterous to be endured by a civilized people. Consult the best writers upon the subject of human life, and you will find that they are uniform in establishing this maxim — “ Neither let us trust for excellence wholly to the powers of nature or to those of art.” And why have these writers thus united in recommending such a notion ; and why do wise and considerate men concur with the sentiment ? Because they are aware that we are in a state, where these influences ought to rule in conjunction. Were things driven back again and debased to the barbarous and chaotic state of nature ; were the gratification of the sensual appetites once more our only aim, then might these researches become again unnecessary, and the lessons by which they are recommended be rendered ridiculous and contemptible : but, my good friend, the world has happily left this wild and frightful condition far behind it : the unformed powers of nature have no charms but for the imagination of the poet : those rough and uncorrected virtues, which know no moderation, that loud and busy voice

beauty and strength of natural genius: far from it; I am striving rather to give it a character that may render it excellent and useful. In civilized society, the hand of art must correct and assist the powers of nature. You cannot think that they who move in the more exalted spheres of life, have exclusively the natural capacity for such a sphere: yet you would hardly endure that the most sagacious or garrulous amongst the lowest classes of society, should upon the account of such endowments alone, be made a prime minister, or an orator in the senate; you would prefer even a much duller man, who had nevertheless received the advantages of a refined education: shall I go lower? they who impart delight by the sweetness of their voice, or the excellency of their acting in our public theatres, are frequently excelled in native powers by persons, whom yet that native excellence, unassisted by the lessons of art, would never recommend to your admiration: I might produce a thousand examples from the ordinary walks of life, in illustration of my position, but those I have given shall suffice.

Upon the whole, you cannot but perceive from what I have urged, and from what must have arisen to your own observation, that the study of the learned languages is necessary to every public speaker, but particularly to an advocate,

both for utility and ornament. I will therefore press this part of the subject upon you no further, but proceed to the second point I proposed to you; namely, the mode by which you may preserve and improve your acquaintance with these languages, and with the works that are written in them, without disturbing the tenor of your more important studies.

Much in this, as in every other case of mental acquisition, depends upon the distribution of time; if you do not first of all fix upon some certain method of employing your time, it will be of little use to propose, or to pretend to adopt rules for the pursuit of science.

The human mind is not capable of a long continued attention to one subject, even in its most vigorous state; those changes, therefore which do not divert or weaken it in the main point, but which, while they relieve, support and animate its powers, are ever to be recommended: you will easily conceive that I do not venture to advise you to a multitude of various labours, in which they, who with weak minds have engaged in them, have been sure to fail, and which have usually been found to distract and embarrass the strongest understanding.

Among the changes to which I have alluded, the study of the languages is surely to be reckoned; I have just now attempted to enumerate to you some of its advantages; and you

must remember that I have done this, under the supposition that, by the force of education and habit, you have already overcome the greatest part of the dryness and difficulty that usually attend the rudiments of a language. Rare, indeed, is that mind that could support the double task of acquiring at the same time the rules of Millar and Lilly, and the first forms and principles of law. No! I propose to you a pleasing improvement, not a barren or impossible labour.

Suppose, then, you allot one hour in a day, conveniently with the prior adjustments of your time, to the study I am recommending to you: this, however inadequate it may at first appear, will, if punctually applied, produce in the end a great aggregate amount of learning: it will fix upon your mind all those useful and ornamental principles I have been mentioning; and in the course of a very few years you will perceive, that what you have gained by the constant application of this single hour in a day, as well as what you must have irrecoverably lost by its neglect, will exceed all the bounds of common calculation: more than an hour you will not be able to spare; and, perhaps, if you were to allot a greater space of time for this purpose, it would not be used; so that there will be this advantage springing from so scanty an allowance,

you will probably be tempted to take care that it is husbanded well.

But there is another motive, which will be a pleasing as well as a powerful one, if properly considered, to induce you to allot this small portion of your time to the study of the languages, and to use it with diligence; it is this: should your professional efforts be successful, you will in a few years be deprived even of this poor hour; few then, in all probability, will be the opportunities of relaxation from the fatigues of practice; and it will behoove you to use those rare seasons of leisure in light and active amusements; but I contend, that by strenuous exertions in the earlier part of your life your mind will have imbibed the energies of learning so deeply, that the most extensive professional avocations will not be able to damp them; nay, it is in order that you may prove an ornament to your profession that I have advised you to imbibe them? to be ever learning would be most ridiculously to defeat the very ends of learning itself.

As I have recommended to you to assign an hour in the day to this study, I think it material to caution you not only, as I have already done, against wasting any part of that time, but also that you may not be tempted by the charms which it displays, on the one hand, or by any reluctance you may at first feel to return

to your legal studies, on the other, to exceed it; because, if you are not watchful, this hour may become two, these presently will be extended to three, until by that sort of influence which ever leads us to defer what we dislike, however necessary, under the vain hope of its becoming less disgusting by delay, the time of application becomes indefinite, and that which was at first intended for the support and enlargement of the mind is turned into a sweet, indeed, but malignant poison.

The pain that will naturally follow such an abuse of study, when the time shall arrive in which the attempt to retrieve will be useless, will equal, if not exceed the pleasure we must one day derive from a well-governed application; I mean that day, if ever it come, in which, while we yet retain the powers of enjoyment and usefulness, we retire from the world to the more confined, but more grateful circle of our family and friends: a pleasure that may perhaps be thought, and justly thought, to be the most important of all the advantages which result from the cultivation of taste and learning.

Whence is it that we perceive many men of no inferior talents for their profession (and I may speak here not only of lawyers, but of of every description of professional men), reluctant to retire from the scene of active life, or

retiring, only to draw out the dregs of life in peevishness and disease? One reason, among many others, for the frequency of this unpleasant observation is, that in the earlier part of life they have taken little pains to acquire a relish for those rational and noble contemplations, by which a man becomes, as it were, a continual feast to himself. When the day of bustle is over with such a man, all is over; his first business in life is to waste his talents and dissipate his powers in the enervating haunts of pleasure; and then, when reason and experience have demonstrated to him the folly of such a conduct, he rallies his disordered capacities, and pursues a different object with equal vehemence till they are exhausted: that which pleasure was to him before, business then becomes; he follows it with unceasing avidity; and when he has no longer power to keep up the chase, he quits it; a void, more dreadful than pain itself, succeeds: he who was once the admiration of others for his activity and penetration, now finds that the encomiums of his admirers will not follow him into his retreat; he hears the voice and beholds the face of the busy circle no longer; he looks within, and finds no support there; he lingers out a few miserable months or years, and expires, the torment at once and the pity of those who surround him.

I venture to say I have not drawn a false pic-

ture: I am confident there are many men who continue in the world, only to outlive their reputation, because they are afraid to retire.

I will now bring this long letter to a conclusion. I have endeavoured to stimulate you to the study of the languages while you have opportunity: not from the foolish vanity of book learning: not that men may say of you that you could read and write a multitude of languages; but that you may receive, in all their native purity, the sentiments of men who understood with a peculiar power of discrimination the duties and the end of human life; and that by acquiring a due regard for those sentiments, you may not only be able to act a distinguished part in the world, but possess the enviable power of retiring from it in time, to a noble and happy seclusion.

LETTER XVI.

I COME now to the subject of your defects, upon which I will not long detain you; in the first place, because I am not, perhaps, so well acquainted with them as I am with your qualifications; for without accusing you of dis-

ingenuousness, I may venture to suppose you have been more willing to bring the latter to light than the former; and in the next, because I do not love the task of enumerating the failings of any man, much less those of my friend: but common honesty towards yourself, and a regard for the proper examination of the subject we have agreed to discuss, demand that we should not hide them wholly from our view.

First, you have acknowledged the impressions of fear upon your mind, which this very inquiry is intended to remove; I therefore say nothing farther upon it here; but go to that immoderate love of company and of the pleasures of the town which robs the heart it has conquered of all its energies. To the influence of this passion, unworthy as it is, you have doubtless submitted in a degree that has not only disgraced your character in the estimation of every sensible man, but which, if it be not corrected in due time, may weaken and finally destroy all the fine qualities you actually possess. This is the secret parent of all that is destructive of genius and virtue, and, like the iliac passion of the medical writers, perverts every beneficial office and power of nature. It is to be watched the more closely, because it approaches us in the most enchanting forms, and lavishly promises us the most exquisite enjoyments. I tell you of this error thus plainly, my

friend, that you may not hereafter have to say,
“ How unfortunate am I ! I have lost my health,
“ my reputation, all that makes life valuable,
“ by an accursed habit of dissipation ; had I
“ possessed one sincere friend, to have warned
“ me of my danger, I am confident I should
“ have escaped destruction.”

Another fault, while we are upon the subject, I will freely mention : an easiness in being satisfied with superficial inquiry and information. This is another error of the age in which we live, and if we are not very careful we shall stand a chance of being overpowered by it. We are very little inclined to suspect that we are wrong while we are acting like every body about us ; but this is surely a strong reason why a wise man should examine the general opinion before he makes it the rule of his own conduct. A weakness of this nature is likely to be particularly prejudicial to the advocate. In all matters that are to be elucidated by reflection and reasoning, accustom yourself to the habits of as deep an investigation as the nature of the subject may require.

There are some other deficiencies arising from habit and from inexperience, which time and application will remove ; and there are many things to be acquired which I might enumerate here ; but, as I have before told you, it is my intention to animate you to search into your

mind. Do me the justice to believe that I am actuated by a warm desire for your success ; I honour the profession in which you are engaged, and cannot but feel a regard towards those who have an honest ambition to excel in it. In the mean time do you, my friend, resolve upon making use of the hints I have contented myself with giving you. Sure I am, that if they are not misunderstood and misapplied, they will be of service to you ; for I may safely declare to you, that it is not merely my own wisdom which I want to exhibit before you ; I am content humbly to follow the track which those men have trod, of whose excellencies, however they might have been estimated by their contemporaries, we cannot now be divided in our opinions : they have survived the power of time and envy, and by this they may be distinguished from those airy, unsolid works, which may please for the moment, but which follow only the influence of their own nature, while they are hastening to oblivion. Farewel !

LETTER XVII.

WE will now consider the rewards of professional exertion.

There is scarcely any speculation in which the human mind is engaged, that is so diversified in its nature as that of reward. That which will be esteemed by one man as an ample recompense, will be looked upon by another with contempt. And this difference takes its rise not more from the various ideas of things that affect the opinions of individuals, than from the multifarious properties of labour. Much also in this matter depends upon the notions with which men set out, since it is obvious that these are gratified with difficulty or with ease, in proportion to their loftiness or their humility.

This doctrine will hold good, as well with respect to the views of the lawyer as of any other professional character; it will therefore depend greatly upon yourself how far this degree of fortune, or that degree of eminence, will be considered by you as an equivalent for the exertion of labour or the expence of time. I shall in this letter make it my business to state to you what may possibly be obtained in the course of years, by a fair exercise of your talents at the bar, reserving to some future opportunity the

reflections that may be made upon the nice and delicate situations in which you may be placed by possessing a high reputation in the courts.

The study of the law presents a fairer field for the exercise of those qualifications that adorn and dignify human life than any other profession. When men begin to feel their interest concerned in the decision of a court of justice, they necessarily perceive their want of an advocate; few in the present state of our legal polity, are hardy enough to think of pleading their own cause; they therefore look out for some person who is either known as a man of talents in his own circle, or who has given proofs of his abilities to the public. Riches, birth, appearance, weigh lightly in the scale against imbecility and dulness, when our fortune or our reputation is at stake: nay, what are the affections of consanguinity itself when these valued possessions come into competition with them? Put the case: I have an object in litigation upon which my heart is set; to gain this I must have an advocate to plead for me: I have a brother who is dear to me; who is an advocate; but he is not a man of business, or at all events, unfit for my purpose: a stranger in whose interest I am no way concerned, is recommended to me; his talents and his legal learning are fully adequate to the management of my concerns: what am I to do? I lose my

cause if I employ my brother ; but I cannot lose my cause.

This reasoning will not hold good with regard to other professions ; that of physic is the only one that assimilates in any degree to it ; and in that, as the exercise of the talents is not so open as in the law, so the opinions of men respecting the abilities of the professors of physic are not so fixed. In the church, my brother may not preach, or, in the army, he may not possess the military qualifications equally with another man ; but then my interests are not affected by the weakness of my brother in these matters ; and, therefore, the stranger, however superior, shall not have a living or a commission in preference to him. What wretched moralists are we ! but I am stating facts, not drawing conclusions.

Already, my dear friend, you perceive a part of the reward that attends the industrious and able lawyer ; and can the regards of friendship stand where the affections of nature have given way ? His learning and his talents conquer both. This, though in some respects a painful, is still an honourable pre-eminence : it must surely, by the nicest casuists, be deemed a fair and well-earned distinction. The road to excellence is equally open to all ; thanks to the enlightened spirit of the times ; and he who will not travel in it, has no right to its enjoyments. Where merit lies in equal scales, there natural

affection or friendship may reasonably be permitted to turn the balance. Surely, in a life like the present, that man must account his situation a happy one, where merit and its reward go hand in hand.

The character which attends a barrister, thus successful, forms also another pleasing and valuable part of his reward. Held not only in esteem but in reverence ; he goes through life with that peculiar kind of pleasure which attends the man, who is conscious of his capacity to state the claims of the injured and procure them redress : he mixes with society upon more than equal terms, and has yet the happiness, from the nature of his superiority, of having little to fear from the envy it may occasion. Mankind have in general good sense enough to perceive, that no one can attain to a deserved eminence in the law, without possessing those talents and that learning which ought to command admiration ; and when to this is added a systematic acquaintance with an important and various body of laws, every thing is willingly accorded that so great a merit can demand. All this satisfaction and honour may attend the early progress of a barrister who deserves them ; but, as he proceeds in his career, a more extended prospect opens before him ; a stuff gown is at length exchanged for a silk one ; a barrister's wig for a serjeant's coif. Now he begins to perceive with

redoubled pleasure that he has not been labouring in vain; all his powers are brought into action, and he finds, in a full employment of his acquirements, his most valuable reward.

The noblest employments in the state lie open from this point; and they may, by such a character, possibly be acquired with honour. There is a strong connection in a country like this between politics and the law; and a man who, by a successful practice of many years as an advocate, has acquired the distinctions I have mentioned, will in all probability find it more difficult to decline than to cultivate connections of a political nature. Such men are continually wanted in the public departments, because they are usually the most capable of rendering a service to their country; in particular, the House of Commons will present to him a new and a grand scene for the expansion of that mind, which he has so long been labouring to rear to maturity: here it is, as the representative of a powerful nation, that he will be gratified with those opportunities for the exertion of his eloquence and his wisdom, which no other assembly in the world can afford.

If then a man has a spirit emulous of superiority, he will, as a lawyer, have a fair chance for its honourable gratification: from the bar the ascent to the bench seems natural; and, such an ascent seems natural only to the active and

learned barrister; for I am induced to hope that the distribution of legal honours is more consonant with the abstract principles of justice, than the grants of high distinctions in the world usually are. And whence can a higher or a nobler satisfaction flow? To be the distributor of justice in a country like this, is to fill a station amongst the most exalted in human conception! When I see a judge upon the bench, fulfilling the duties of his office, I see a man clothed with integrity, and crowned with honour: if any object in this life may be allowed to excite envy in a well disciplined mind, this man is the object.

Another very strong incentive to industry is the hope of riches; these the successful lawyer cannot but acquire; and he may acquire them without impairing his reputation; indeed, it is impossible but his pecuniary acquisitions must keep pace with his reputation. Here again how many scientific men does he leave behind him! Of the philosopher and the poet I will not speak: for it has, I believe, most usually been found with respect to them, that their reputation has sunk in exactly the same proportion as their coffers have risen. In the exercise of arms, the fame and the riches of the warrior seem to retain the native quality of his profession; they are at eternal strife: and what sort of a correspondence subsists between the talents and the

fortune of a preacher may be better demonstrated by the present undeservedly ignominious situation of hundreds of the sacred order, than by my pen; but I willingly quit a comparison that has little relation to my present subject, and which no man of genius or humanity can contemplate without pain.

What a noble recompense of labour have I presented to your view! Fame, fortune, honour! all combine to grace and dignify your life! Will you refuse these noble guests? or will you chuse obscurity, poverty and contempt in their stead? Be no longer indolent; you have great things to perform, but you have greater things to obtain. It were inconsistent with nature to love labour for its own sake, but it were a greater violation of its dictates to fear labour when such are its rewards.

Independently of all this, the particular desire of knowledge which some minds feel, is in no trifling degree satisfied by the acquisitions that are to be made in the progress of the legal study. The laws by which nations are bound one towards another in their external commerce, and the regulations by which the internal polity of our own country is framed, open to the inquiring mind an expanded and animating scene. In this research new discoveries of reason and truth are continually made: here it is that we perceive, with a peculiar pleasure, those

nice delineations of justice which are hidden from the common observer: here it is that we mark the various divisions of power, whereby the property of every man is at once ascertained and protected: here it is that we learn to distinguish the various duties of life with a precision which enables us to instruct others as well as ourselves in the fulfilment of them: in short, this study is in every part of it, in a greater or a less degree, congenial with the best feelings of our nature, and must, consequently, bear with it its own reward through every stage and department of life.

You see, my friend, I have not proposed to you a barren exercise of the mind: you are not going to consume the days of your youth in a foolish and unprofitable search; nor have I been so little a man of the world as to attempt to allure you by a long dissertation upon the mental enjoyments. Having thus laid before you a statement of some of those advantages that you will probably reap from perseverance in the legal study, I will here conclude this part of my subject. If, after what has been written, you are inclined to proceed, we will open our views upon the broader principles of study; and will endeavour, at the same time, to discriminate those ramifications of reading, reflection and observation, that appear auxiliary to our main design. Farewel!

LETTER XVIII.

LIFE abounds no less with opportunities of pleasure than with those of pain; and when all the evils which we are not able either to avoid or remove are deducted, there still remains a space to be filled up greatly at our own discretion. But how can this discretion be exercised, if the mind be continually disturbed and anxious? How are we to give efficacy to exertions that are continually weakened by a wavering and unsettled spirit?

Under the impression of this idea I have determined to begin my investigation of the great subject before us, with some considerations upon the necessity of a clear unclouded mind, to the completion of any great or worthy purpose in life.

The most unimportant avocations must be filled up by some of the species; there must be hewers of wood and drawers of water; and, however trifling the business of these may appear to the inaccurate observer, the performance of it nevertheless requires a distinct portion of time and of the mental faculty: the mechanic and the labourer must attend to the work they have in hand, else it will be inferior or useless

when finished: can any action of labour be apparently more simple or less connected with the mind than hewing wood or drawing water? Yet, by carelessness, that is, by not attending to his employment, the hewer of wood may damage the tree, or the drawer of water may lose his bucket: in fact, whatever we do will be done amiss, if our thoughts are diverted from it towards some other object; a very simple maxim, but too frequently neglected.

As we ascend the scale of existence we shall find the necessity of an unembarrassed mind increase at every step of our progress. He who is the proprietor of the tree or the master of the water drawer has, no doubt, other concerns of a superior importance; he must not, therefore, permit his mind to be too greatly disturbed at the heedlessness of his servants, lest these concerns should suffer by his own neglect; yet the business of this rural proprietor, however necessary and important it may be to him, is considered as nothing in the estimation of the trader in a commercial city, whose shop requires every moment of his time, and would presently be deserted, if his customers should find themselves inconvenienced by the dissipation of his mind upon other objects: this man and his shop vanish before the multifarious arrangements of the merchant, whose correspondence, and whose property are spread over the globe;

should he permit his mind to be extremely disquieted by anxiety, broken by grief, or enervated by pleasure, what confusion would not ensue? In like manner, the cares of the merchant must give way to the plans and designs of the general, who has to discipline and guide a numerous host: and these, in their turn, must yield to the aims of the statesman, who has the welfare of a nation in his hands. What would be the consequence, if the minds of men, thus situated, were distracted? If oppressed by extreme dejection, or tossed about by trifles, they still attempted to perform their respective duties?

If then, in their different degrees, these things require an undivided mind, in many of which too, it is necessary only to command and the thing is done; how momentous must the possession of it be to that man who has to arm himself with various knowledge, which he cannot so easily command, to investigate stubborn principles that will not yield to a nod.

The difficulty seems proportioned to the excellence of every science we have to attain: now the law, in respect to human affairs, is a most excellent science, and is an instance, in point, of the truth of my axiom; for whether it be theoretically or practically considered, it is undoubtedly very difficult to be attained. Injuries may be received in our persons, our property, or our character in an infinite variety:

the concerns of men are entangled in a diversity of forms, to be accounted for only by considering the endless mutations of temper and shades of caprice that distinguish the human character: these all come before the lawyer; and it is only in proportion to his skill in the science of the law, that he will be able to unravel these intricacies, explain the nature of these injuries, and point out the adequate means of redress. But what a task is this! The attempt to prepare ourselves for it with a shaken and disordered mind were surely vain.

There are a thousand sources from which those secret influences spring that disorganize the mind; dullness, grief, anger, joy, sympathy; these are very few of the passions or propensities that, either in their nature, or in their excess, disable the mind from performing its functions, even in the most ordinary employments of life: if, while under undue subjection to these, the artizan be unable to perform the labour that requires for the most part bodily exertion alone, dreadful must be their empire over him, the beauty and perfection of whose works depend entirely upon the health and vigour of his mind.

Let us pursue this idea a little more closely. You are in company with men, who, like yourself, are preparing for the bar: a point of law is agitated of which you are wholly ignorant;

the theme is pursued by some more diligent or more fortunate tyro than yourself; you compare your acquisitions with those that he has made, and, grieved at the deficiency you perceive upon the comparison, are filled with envy, perhaps, at his superiority; these reflections are permitted to increase, and at length they conquer you: you retire to your study, but with a mind ill-formed for research; and the hours, that ought to be dedicated to exertion, witness, as they steal away, the languor of indolence or the impotence of unavailing regret.

Again; you have dedicated a certain portion of the day to the uninterrupted pursuit of your studies; the inclinations of your mind are in unison with the dictates of your duty; all is harmony; on a sudden some friend breaks in upon you with an engagement for dinner or the evening; you promise yourself pleasure; you impatiently expect the appointed hour; this overthrows your whole plan of study for the day; and it may be given up as lost: the same consequences will follow the prevalence of any other passion that is excited too strongly by the concerns of the moment; if a favourite mare is ill, or a dog that you value is lost, all is confusion, and the study is instantly relinquished for the stable: agitated by some trifling pecuniary loss, some little personal affront or disappointment, you must ramble abroad in order

to keep up your spirits ; perhaps you remain at home ; it will be, however, only to brood over some silly scheme of revenge, or, if that be impracticable, to meditate in profound melancholy. You may be induced to think I am drawing a ludicrous picture, merely to have the pleasure of laughing at it : no such thing ; I am endeavouring to warn you against a very serious evil ; for I will venture to affirm, that many men sacrifice their choicest moments to troubles of a nature no higher than those are that just now have been selected ; and the most dangerous circumstance is, that every rising day is likely to produce occasions of this sort, which by the frequency of repetition augment in strength, and at last, are ripened into a habit of the most destructive tendency.

Can you reflect with patience upon the trifles which may thus tyrannize over your mental faculties, and enfeeble, if not destroy, every useful purpose ? Yet, while these are suffered to attain a power equal to that I have mentioned, it will be in vain for you to think of eminence in the profession of the law : while the mind is thus disturbed, all its reflections are constantly rallying round the idea that is the cause of the disturbance ; they are insensibly attracted by it ; every other object loses, in a proportionate degree, its influence over them ; till at length it

becomes impossible to arrange or govern them at all.

There are evils in life, it must be granted, which, from their importance, claim a considerable share of our attention; among these may be numbered the loss of friends, unjust yet formidable attacks upon our reputation, and great damage to our fortunes: these may occur to disorder the mind and suspend its operative force upon other objects; and the endeavour to render ourselves insensible of their power, were an attempt to rob the heart of its best qualities: but yet, even here, surely we are at liberty to make use of our reason; we are not, by an obstinate perseverance in grief or resentment, to deprive ourselves of all controul over our minds; we are not to turn that which might have been a reparable misfortune, into ruin.

I am engaged in a pursuit that claims the exertion of my best talents; an accident happens which a wise man must allow cannot but arouse in my bosom sensations of deep mortification, or grief, or anger; I lose a parent, a brother, or a friend; my honour is attacked by the pen or the tongue of some envious or interested person; or I am unjustly deprived of my estate. — What am I to do? shall I permit my sorrow or my enmity to become extreme? shall I not at least endeavour to correct or restrain these

unhappy and enervating passions? or shall I rather say, "No! I will not any longer attempt acquisitions, which, if completed, will not make me happy; I will dedicate the remainder of my life to the memory of my departed friend; I will fly to dissipation, that will quickly finish the remains of my desperate fortune, and drown all sense of disappointment; revenge against the villain who has blasted my character, shall be the future business of my life!"

Do determinations like these prevail? It is folly in the extreme to invite the mind to the ratiocination of systematic study; the imagination, the memory, the judgment, all are in confusion; the whole gradation of powers is weakened; they refuse, and are indeed unable to perform any regular or useful service; and he who has unwarily permitted his mind thus to lose its tenor, will find his error, most probably, too late in life to repair the consequences.

Whether, therefore, the causes that thus disturb the mind, and render its faculties unfit for the purposes of study, be of a trifling or an important nature, it ought to be our first endeavour to gain a mastery over them: this is a task by no means impossible: I say nothing of the necessity of the performance of it in respect to the general happiness of life; that is no part of my present subject; I mean to apply my

argument to the student who is engaged in the investigation of the principles of a various and intricate science ; these a distracted mind will never be able to pierce ; and, my good friend, I must plainly say, that the duty here recommended is not only absolutely necessary to be fulfilled at some time or other ; it must be completed, or attempted at least, in the early part of life ; ere these propensities so entwine themselves with the general system, as to defy every future attempt to loosen them.

The greater part of the evils that affect human life, derive their weight from our own estimation of them ; that which one man calls a calamity is born with indifference by another ; it is therefore of singular importance that we ascertain what are and what are not proper subjects of sorrow, of regret, of anger ; and of those that are, what different degrees of these passions they are worthy to excite : this appears to be the only rational method by which such passions are to be regulated or subdued : it is certainly a work of magnitude, and it can be accomplished only by time and perseverance ; but truly happy will that man be who has the resolution to accomplish it ! By thus estimating the nature of those accidents which so perpetually disturb the peace of mankind, we shall presently perceive that the majority of them are utterly unworthy of our concern, and we shall conse-

quently become ashamed of being detained in such ignoble chains: and as to those great evils that cannot but afflict us, we shall find the excess of passion which they sometimes produce, to be a greater evil than the original itself; and that this must engender, and may in the end perpetuate that mental disorder, which is clearly destructive of every animated and honourable design. This is the just estimate of life that keeps the mind in a state of subordination, truly philosophical in its own nature, and peculiarly necessary to those whose faculties are engaged in scientific pursuits.

The doctrine I have laid down respecting all adverse accidents will equally hold in respect to what is usually called good fortune: the mind is no less likely to be deranged and enfeebled by trifling pleasures, by ungoverned hopes, by extreme joy, and by fancied superiority, than by the contrary sensations; you will therefore be equally desirous to guard your mind against the influence of both extremes.

I will propose another defence against these influences; it is the practice of making your studies themselves your guard, or at least your support. Are you in any of the situations to which, in the course of my letter, I have alluded? fly to your studies for relief: by degrees you will find that the occasions of pain and pleasure which heretofore were wont to divert your

mind into a thousand extravagancies, are wonderfully diminished both in strength and number, until at length you have gained that even tenor which the inferior evils of the moment are unable to disturb.

This is a part of the philosophy, under the influence of which you should begin your studies, and whereof I shall shortly speak at large : the occasions, the times, and the manner of acquiring it, I have contented myself with sketching out to you ; more particularly to describe them is not my design. It rests with you to peruse what I have written with attention ; consult your own heart and understanding in the application.

LETTER XIX.

I HAVE met with few men who have had just notions of the nature of excellence, and with fewer still who have been able to think with propriety upon the choice of subjects in which to be excellent will be productive of either honour or advantage : to acquire a correctness of sentiment on these subjects is of more consequence to young men than appears to be generally imagined.

With respect to the latter of these, the choice of the subject, I will only make two or three brief observations; it is not so closely connected with our present views, as to demand a very nice disquisition: but upon the former it will not, I conceive, be useless to dwell somewhat particularly: as many men, who have been guided by accident or the choice of their friends to a pursuit, wherein honourable excellence may be attained, have, nevertheless, from ignorance in this respect, been induced to conceive that they have arrived at the point at which they have been aiming, while, alas, they are wandering at a lamentable distance below it!

When a young man enters life, he is liable to be fascinated by a false admiration; he meets with the wit, the jockey, the buffoon; he is surprised at the quickness of repartee, the skill in horsemanship, and the arts of grimace, by which these characters are distinguished; he is charmed with these displays of imaginary excellence, and what is the consequence? If left to himself (too often the case with many youths of tolerable expectations), he spends the most valuable part of his life in fabricating witticisms, managing a horse, or shrugging up his shoulders! But perhaps a better fortune may have saved him from such unhappy circumstances; his early hours may be spent in the nurseries of learning; and while his soul is still alive to every

passing influence, he converses with the mathematician, the logician, or the grammarian ; he is at once delighted and amazed at the infinite variety and difficulty of system, the acumen and depth of research, the niceties and querulousness of criticism, which mark the conversation of these learned men ; he never once dreams that a proficiency in these abstruse sciences is still only a gradation towards excellence ; nay, he would perhaps detest the man who had the hardihood to display such a doctrine, as little better than a blasphemer against the sacred light of knowledge ; he imagines that to be the greatest among these characters is to be the greatest of all characters ; and he loses his life amidst contending critics for the antiquity of a manuscript, or in resolving a problem.

Thus, without a guide, an early love of excellence may not be able to lead us up to it : in the former instance, had the ingenuous youth been told that, although there may be excellence in witticisms, jockeyship and buffoonery, inasmuch as that is the term by which we express our sentiment of the superiority of one man over another in those arts, still that the excellence itself was unworthy of the expence of time and labour required to attain it, he might have been induced to have examined the real nature of these things before he permitted an attachment to them to wind itself around his heart : or, in the

latter instance, had the far more difficult explanation of the true quality of those sciences I have mentioned been presented to him by some experienced friend : had he been told that, however valuable or important they may in fact be, they are still so only in proportion as they are ancillary to the greater science of life ; he would have reached, perhaps, to nobler attainments than the etymologies of words or the illustrations of figures.

But I will not dwell longer upon this idea ; you have not a profession to seek ; and you have happily engaged yourself in the pursuit of one, in which you cannot attain to excellence without acquiring equal wealth and honour ; it is needless, therefore, to recommend this excellence to your attention, or to dwell upon the importance of distinguishing the false excellence from the true.

A great mind is to be discerned in its operations, by the subjects it investigates, and by the models it adopts for imitation ; from the want of experience its progress may be marked by human weakness, but its aim will ever be a high and noble excellence. This depends not upon exterior circumstances ; it springs from the power of its own internal formation ; such be your mind, my friend, for such alone is suited to the dignity of your profession ; wealth may be obtained by less exalted ideas, and a momen-

tary name may gratify a humbler sentiment ; but true excellence will ever refuse to consort with a spirit so uncongenial with the purity of its own nature.

The excellence to which I would animate you is of a twofold nature ; it is seen first, in the degree and reality of your attainments ; and next, in the manner of displaying those attainments : in respect to the first, I would advise you to reflect that it is absolutely necessary you should not rest satisfied with doing any thing short of what you perceive the nature of the thing will permit to be done, and which your natural capacity, with the aids of industry and learning, is adequate to perform : hence the connection between this thirst for excellence, and the desire to ascertain the extent of our powers : it is in vain that we strive to excel while we want the consciousness of powers adequate to the attainment of excellence. Let this point be ever your aim, to complete what you undertake. Do learning, genius and profundity, distinguish the great lawyer ? My determination is to be the greatest lawyer : I will therefore assiduously cultivate learning ; I will incessantly animate and exalt my genius ; I will be deep and solid in my researches. Perhaps you have acquired a portion of philosophy and legal knowledge which, it cannot be denied, sets you many degrees above the majority of your contemporaries : you are

conscious of a clearness of intellect, a brilliancy of imagination, an expansion of sentiment, which you cannot perceive among the young men with whom you associate; will you therefore say I have reached to excellence? Remember, this is the rock whereon thousands before you have been shipwrecked in the voyage of life; recollect yourself and avoid it. By what rule do you judge of excellence? Who are the patterns you have chosen? What are the characters you have surpassed? Then will you reason thus: I can no longer look upon my superiority over my fellow-students as a ground of exultation; it is true, I have done more than they; but does nothing therefore remain to be performed? Can no further legal knowledge be attained? Have I fathomed the utmost depths of reason? Have I soared to the highest flights of genius? I will look up to those exalted names who have enlightened the world, and I will consult my own strength; the contemplation of the one will teach my soul the lessons of humility and emulation, and from the other I shall learn what I am able to perform.

The true nature of excellence does not depend upon the capricious opinion of any man; it is a principle which partakes of the immutable nature of truth; it comprehends all the most exalted qualities that can appertain to its subject: it therefore follows that no man can,

without a violation of truth, affirm to himself or to others, that he has attained to excellence in any science, while a single necessary branch of it remains to be known, or a single useful principle unexplored.

The possession alone of this internal excellence would be sufficient, were we unconnected with life and with the affairs of men ; but, from the various relations in which we are bound to the world, another branch of excellence must be attained : this is what I have before described as regarding the manner in which we are to display our attainments.

Excellence in manner may therefore be defined to be the utmost stretch of those powers of demonstration which the thing to be demonstrated requires or will admit : is it through the medium of action, of writing, of speech, that I am to communicate the excellence I have acquired, to the world ? Let me then determine that it shall come nothing short of what by my greatest exertions I can perform ; whether in perspicuity, in grace, in strength, in elegance, or in any other of the qualities that animate and distinguish the superior works of men. We will apply this, for a moment to the profession of which you are a member.

You have seen that to be a lawyer is to possess an almost unbounded variety of learning and depth of knowledge. Now such a cha-

racter may exist in abstract speculation; but yet is it not a very natural question, of what utility will these qualifications be if they are to be hidden for ever from the world? In truth they are seldom sought, only to be shut up in darkness. How then are they to be exhibited to mankind by the lawyer? By eloquence; by quick and ready expression upon momentary occasions; and by frequent exhibitions of colloquial acumen in the form of examinations: in all these, clearness of reasoning, knowledge of the world, and of law, an elegant choice and facility of expression, I must repeat to you, are peculiarly requisite. By what criterion do you judge of excellence in these things? By that which you see others perform, or by what you feel you are able to perform yourself? Will you say, when you have seen a friend get through the business of his brief with a tolerable degree of success, "You did very well to day; if I never make a worse hand of it, I shall not be very unhappy:" or will you not rather be roused to an ardour of emulation that will secretly lead you up to greater things? Will you not rather inwardly determine that you will not rest contented with moderate efforts, or with a moderate fame? Will you not rather exclaim, "Greater things than these remain to be performed; I feel within me powers adequate to the performance: all that I possess,

“ or can acquire of eloquence, of penetration,
“ of reason, shall be brought forward ; I will
“ not be satisfied with any thing short of excel-
“ lence in my profession !”

Nothing so effectually produces and supports these worthy resolutions, as the continual contemplation of good models. I have before mentioned this as one of the distinguishing characteristics of a great mind, and it will be well worth our while to see the necessity of this, in the consequences that are produced by the observance and by the neglect of it.

The mind that has in itself a naturally exalted quality of thought, will seek only after elevated objects ; it will propose nothing to itself but what partakes of a noble nature ; in whatever sphere it moves, it will seek for excellence ; he, therefore, who is possessed of such a mind, will shape his ideas and his actions according to its high influence ; and if, reflecting upon the weakness of humanity, he seek for assistance in the example of other men, they alone, who have born away the palm of a superior nature, whose names and works have stood the test of time, and have been received and recommended by experience and wisdom, will be contemplated by him as the models of purity and excellence.

By a constant attention to these models you will be animated to perseverance ; you will be

induced to look with no credulous eye upon your new attainments; you will behold before you the lustre of true greatness, and you will be ardent to excel or equal it: your breast will glow with an enthusiasm corrected by rising wisdom: you will disdain no aid, however minute; you will judge nothing unimportant, however apparently trifling, that leads you onward to the prize at which you aim, till at length every obstacle of prejudice, folly, and envy gives way to your unremitting spirit, and you receive the honours justly due to your struggles for excellence.

To a mind thus preparing itself for perfection, the applause of the moment will produce little satisfaction; the means therefore by which such applause is frequently obtained will be overlooked by it: conscious of the power it possesses, it pursues the work in which it is engaged, unmoved by the ridicule of others, and uninfluenced by the suggestions of its own weakness; its possessor will never snap at fame, because he is not in haste to be known: he is preparing himself for the opportunities which the chances of life seldom refuse to those who are willing to embrace them; but such opportunities he will never force; he will wait with patience until they arise from surrounding circumstances, and present themselves to his

choice, the ripened and mellow fruit of honourable industry.

How different is the picture of a little mind! it is satisfied with its own attainments; it sees nothing beyond them; fearful perhaps of the reproach of singularity, it rests contented if its efforts are not marked by uncommon imbecility; it avoids with care every idea, and every action, that is not sanctified by the common adoption. By what character must the possessor of so degenerate a spirit be marked? What desire of excellence, what displays of energy, what lustre of genius, have inspired or adorned his course? How hopeless is the inquiry: he is perfectly pleased with himself, and if you were to ask him whether he was not unhappy at his situation, he would perhaps start back with astonishment, and ask you in his turn, whether you possessed your senses, or meant to insult him.

These are not the idle pictures of a fabling imagination; they are rudely drawn. I confess, but they have been drawn to awaken in your mind its native vigour, and to animate it to its congenial duties: you will therefore, for your own sake, finish what I have begun, ever remembering that exhortation ought to be considered as an excitement not only to the immediate duty which it recommends, but also to the exercise of the mind in repeated and en-

larged views of the varieties of duty which our general situation and particular character in life continually demand.

In my next letter I intend to review some of the obstacles that frequently prevent us from forming a true idea of the nature of excellence. The subject strikes me as a very important one ; and if you will have sufficient patience to attend me through my investigation of it, I am inclined to believe, you will not consider your time to have been wasted. Adieu !

LETTER XX.

IT is a mortifying reflection, but I fear it is founded in truth, that few men have arrived at eminence without having first passed through not only much uneasiness from themselves, but reproach from others ; that uneasiness is, indeed, peculiar to the man of extraordinary endowments, as envy and ill-nature may be peculiar to some of those who observe but cannot equal him : the fact is (in whatever way we may account for it), the generality of mankind have very little sense of what is excellent or beautiful. To gra-

tify the common appetites, to mingle in the common pleasures, and to fill up the common concerns of life, necessarily comprise all they intend to do ; when, therefore, any one starts up from among them, and, animated by higher ideas and nobler views, refuses the track which his ancestors have beaten for him, is it to be wondered at if he become the object of the general gaze ? or, while his labours are yet an embryo, that he is considered by those with whom he is immediately connected as a violator of ancient customs, and a disturber of the family quiet ? And as there are few so dull as not to perceive that this is sometimes the effect of a conscious superiority, to amazement and anger a secret envy presently succeeds: this passion is so foul, even in the sight of those whom it influences, that it is very rarely confessed, even to themselves ; and the habit of concealing it under the specious covering of caution, doubt, and advice, is continued until they themselves enter into the deceit which they have imposed upon the rest of mankind.

This merciless passion of envy, in its various operations and disguises, is a dreadful barrier to emulation in the youthful breast ; it produces a fear of deviation from the sentiments which have been so long adhered to by those around us : this fear stifles every bursting resolution

of improvement, even in its very birth ; until every rising power of the mind is subdued, and every glowing ardour quenched. We will pursue the ingenuous youth, for a moment, whose evil fortune has either given him parents insensible to his merit, or has thrown him among companions, the dread of whose ridicule has overpowered every proper resolve.

Already, while at the age of inexperience, he feels a gathering strength within him, his bosom swells with an animation that produces a thousand projects, that breaks forth into a thousand eccentricities : he would be a poet, a soldier, an orator ; a high ambition fires his mind : he is restless in the trammels of life : alarmed at these threatening appearances, his parents begin to fear he will not long continue his course in the peaceful path they have chalked out for him, and their utmost endeavours are instantly exerted to damp his hopes and oppose his projects : so far from encouraging his talents, they have never even considered them : they have seen him eat, and drink, and play like other children ; they therefore think it a matter of course that he will, by and by, act like other men ; thus is all the promising lustre of a brilliant mind quenched by the deadly exhalations of indolence, ignorance, or envy, and its future success and felicity in life sa-

crificed to ancient prejudices, and to the love of a mistaken repose.

How this evil is to be obviated, appears somewhat difficult to say. The influence and authority of a parent ought to be held sacred, nor should the bands which fasten the other ties of blood be capriciously loosened ; yet parents are to remember, that they have many duties to perform, and that when it is in their power, this of consulting the genius and the powers of their children, is not the least important : and the friends of an ingenuous youth should recollect, that they may by their envy, however disguised, or their inattention, however unsuspected, do him an injury which they cannot easily repair.

But I will lead you to another head, which you may perhaps consider as more nearly connected with my general subject : the young man having received parental encouragement, has fixed upon a profession congenial with his inclination and capacity.

This is truly a momentous period of his life, and many of its consequences, whether good or evil, must now greatly depend upon himself. That we may mould the images for our own purpose, we will suppose he is going to the bar : in this situation he will find the enemy very strong indeed : his companions will be, as men are in all the professional departments in life, of a

mixed nature ; most of them men of respectable birth, unsullied honour, and handsome qualifications ; but prone to follow the general example, and to submit to the influence of prevailing opinions : men capable of eminence in the profession they have chosen, but each unwilling to be singular in the perseverance and labour necessary to the attainment of it. This is a very powerful obstacle in our progress towards excellence ; but it must be conquered : how degrading is it to be ashamed of being remarked as a *diligent man* ! This is a shame which does indeed a double office ; it chains the mind down to a most loathsome slavery, and then teaches it to embrace its fetters. Remember, however, the time will come when the jest of the moment will cease to please, and when the jester will recollect his folly with sensations of regret, while the merit which he has attempted to ridicule will receive its reward from the hands of truth and wisdom.

Let me here be understood : I am speaking of an honourable body of men, and I ought to speak clearly. I am treating not of general virtue, but of a specific qualification : I am warning you of a prevailing example ; but I can give my willing suffrage in favour of many particular exceptions : how many therefore may there be, and many I believe there are, who are not within the extent of my knowledge, who

are resolved upon better pursuits than the frivolities of the hour will afford.

In your career of diligence then I warn you, that you will be exposed to the witticisms of the gay, to the cautions of the fearful, and the sneers of the envious : against these you must be upon your guard. How you are to treat them it is not easy to determine on paper, because much depends upon particular circumstances : this general remark, however, may not be useless : never retort with severity, unless you perceive that indignity is meant ; and if the thing can be done (your own honour being safe) it were better even then to pass over these attacks with cheerfulness in silence.

Time will overcome these obstacles better than the violence of anger, or the sullenness of resentment : this, it is true, is a remedy too slow in its operation to suit with the impetuosity of youth ; and the consequence has frequently been, that a man has either rendered himself ridiculous by the exertions of an impotent revenge, or, unable to withstand the jests and laughter of his companions, has given up his better understanding, and joined the crowd of folly ; not because he loved it, but because, he dared to stand alone no longer.

Another very powerful obstacle to rising industry and excellence, is the chilling indifference which the world displays to early and yet un-

established merit : this may arise from apathy in one man, in another from envy ; from affectation in a third : but be the source what it may, it is calculated to produce the most cruel effects. The youth is busy, curious, ardent ; his judgment is not yet fully informed : he loves his own productions, and thinks others will admire them ; he pursues his studies with unremitting diligence, and he entertains no doubt that he shall be applauded for his exertions ; he is preparing himself for future greatness, and he expects that men will prophecy in his favour : thus he cheers his heart in the lonely pursuit ; thus he places before himself the enlivening images of present approbation and future fame ; he is delighted with the contemplation ; his resolution gains a renewed vigour, and he proceeds in his course with all the energy that a full assurance of reward can inspire.

How different from the picture is the reality ! He sets forth his labours and his hopes with an exulting tongue and a beating heart ; he is astonished and terrified at the coolness with which his labours are viewed and his hopes received, and he retires to his study overwhelmed by a sense of his unmerited disgrace ; “ Surely I have been “ amusing myself in vain ! ” he will exclaim ; “ this excellence at which I am aiming must be “ a phantom of my own brain : if it really existed, would men display such an insensibility

“ of its beauty ? or it may be I have deceived
“ myself : I am not capable of it ; and my im-
“ potent attempts excite a well-deserved ridi-
“ cule ; I will not again encounter it : hence-
“ forward I will live and act like other men ;
“ and if I am not worthy of their praise, I will
“ at least avoid their contempt.” Agitated by
these sensations, and mortified by the indiffer-
ence of his friends, he begins to regard with
negligence, and at length views with contempt,
perhaps with hatred, his former studies. “ If
“ what I have now done awaken no surprise,
“ and produce no encouragement,” he will say,
“ what hope can I entertain of success when
“ my exertions will not charm by their novelty,
“ and the minds of my friends will not be allured
“ by my youth ? I will strive no further , if I
“ possess not talents, the attempt is foolish ;
“ and if the bosoms of men are impervious to
“ the rays of genius, the task is desperate.”

Thus is the blossom of early emulation cut
down ; but beware ! you are entering into a
profession where there is much mediocrity, be-
cause its professors have not sufficient courage
to aim at excellence : if you attempt more than
is commonly attempted, you must not be sur-
prised at the indifference with which your first
efforts will be viewed : this indifference is not
always a real sentiment, men sometimes under-
stand and feel that which is excellent, although

they have not resolution to attain it. Perseverance will conquer at last; and should your endeavours be crowned with success, they, who have ridiculed your labours, will be the first to hail your good fortune. Would you fear the most monstrous shadow that imagination can form, if you were convinced it were but a shadow? This indifference is a shadow; a bugbear, fit only to scare the weakest minds: be steady in your pursuits; be content that those pursuits are approved by wisdom, and leave the event to Heaven.

I mention not to you those obstacles that arise from the craft or violence of competitors for riches or fame: by these, many in the various pursuits of life are daily overthrown: but I have too sincere a respect for the body of men with whom you will be connected, to believe, that many among them can be guilty of any dishonourable acts. To caution you, therefore, against such unmanly opposition would be an implied accusation, which, I am convinced, the gentlemen of the long robe, as a body, on no occasion have ever yet deserved.

But it is not from the weakness or the insensibility of others only that you will be in danger; you have internal enemies that are, perhaps, more formidable than any other: you have the pride of knowledge, self-sufficiency, indolence, and a thousand other affections to contend with,

that are adverse to your progress in science ; and I must plainly tell you, that, in the study of the law, your utmost vigilance and fortitude will be required. I have shewn you, in as clear a manner as I am able, the nature of that study ; you will therefore be able to judge with what difficulties it will be attended ; and it will be your own fault if, after you have examined your powers, and resisted the influence of exterior opposition, you permit yourself to fall a prey to those impressions which it is impossible for me to name particularly, but of which I have said sufficient to put you upon your guard.

And now, my friend, if excellence possess any charms for you, if you feel an honest emulation, proceed. Let not the attempts of others, the suggestions of your own heart, or the circumstances of fortune, prevent you : if you have much to fear, you have much to hope ; and, I trust, that young as you are, you have not so learned philosophy as to be the slave of unworthy and groundless fears. Look up to the great men whose names have adorned the ages that are past ; look up to those whose talents now spread a lustre around our seats of justice ; and you will be convinced that eloquence, that learning, that philosophy, that virtue, in short, that excellence is no chimera in the legal study, and that its reward is a noble reality. Adieu !

LETTER XXI.

THERE is scarcely a science which has been held in any degree of reputation in the world that has undergone so much obloquy as the law; for this, two reasons appear; first, the ignorance of its calumniators; and, secondly, the misconduct of its professors. It may be worth your while to consider whether the profession you follow deserves reproach; and, if not, how the reproach has been incurred; since no man of honour can be very easy in a pursuit by which he is represented as continually endeavouring to defraud mankind of their property, or to disturb their repose.

In this inquiry, I shall confine my observations to the system of laws that has obtained in our own country,

The grounds whereon the common opinion against this system is founded, are almost as numerous as the unrestrained imaginations of men can suggest; it will be sufficient, I think, if we canvass for a moment two or three of the most obvious; for instance, the expence, the delay, and the intricacy which are said to attend it.

With regard to the complaints that are made of the expence of a law-suit, I observe, that the loudest clamour is usually raised upon this score by those who are the most eager for litigation. This arises from two causes ; in the first place, we seem to think the possession of our property an immutable right, and are consequently inclined to consider as a certain loss all that is expended in its defence or restoration ; and, secondly, a peculiar kind of envy is apt to arise in the bosoms of men at the success of those who are paid merely for giving advice. The self-partiality of every man will induce him to consider his own powers as sufficient for his own preservation ; and the very characters of the adviser and the advised propose a temporary superiority in the one, and inferiority in the other. This separation of character we do not always patiently bear ; yet they who are the most desirous to keep their property in safety, perceiving their own imbecility, run with a more than ordinary haste to that assistance, in return for which they must presently give up a portion of the very property it has been so greatly their anxiety to preserve.

But, to take up this objection upon a broader ground than limited and interested passions afford, I will further observe, that when the present state of this country is considered, whether in regard to its population, the divisions

and various modes of its internal property, its commercial spirit, or the nature of its laws, the expence that is unavoidably consequent upon a suit at law will appear to be rather a matter of congratulation than complaint. In a country where the inhabitants are not numerous, and their possessions simple, there will be few occasions, and of course little inclination towards legal contests; and when these do occur, the nature of the dispute will be easily defined, and of course the dispute itself presently adjusted. If, therefore, in such a country, the differences of the inhabitants could not be judicially terminated without great expence, there would be a well-founded cause of complaint: but how widely different is the situation of our countrymen: in what a variety of interests, of competitions, of designs, are they involved; what niceties are there in the tenures of their property; what numberless opportunities of fraud and violence are thereby opened; and above all, how, by such circumstances as these, is the spirit of litigation engendered, strengthened, and diffused: were the doors of our courts of justice to be opened at the nod of every needy and dissatisfied man, it would not be easy to imagine the mischiefs that would ensue: among the most prominent I will mention only two, that I think will meet every clamour upon this head; the number of lawyers already com-

plained of would be increased ten-fold ; and, amidst the legal confusion, is it not natural to suppose that, rapacious as they are esteemed to be, they would be inclined to contrive how to pay themselves, not with a part only, but often with the whole of the property in dispute ?

The next vulgar objection to our system is the delay that occurs in the administration of public justice : perhaps there is in some degree a ground for this charge ; but I am nevertheless inclined to think that by far the greater part of those who make it, only perform the part of an echo : delay in legal proceedings is perhaps talked of and exaggerated by one, who has suffered some degree of inconvenience and loss ; and the sound is mechanically spread from one to another till it appears like a general clamour : but there is another reason why this complaint is usually an unjust one ; men love themselves (naturally enough indeed) better than others ; in all that concerns the peace and welfare of each man, therefore, it is clear he must wish to be preferred before others. In matters of difficulty or business, it is true, we find the forms and ceremonies of politeness dispensed with, as it were, by one common consent, and every man is pushing before his neighbour for the completion of his own affair ; yet, notwithstanding all this, the self-love of each individual will frequently overcome that natural sense of

propriety which ought to teach him that he must be served in his order, and of justice, that should prevent his complaining at any delay that does not arise from a violation of that order.

But you will say there is another sort of delay of which men complain, namely, the delay of the determinations in the causes themselves. I answer, that of this the litigants are ill qualified to judge; that the fact is frequently otherwise; that hasty decisions are only to be found among imprudent or despotic judges; and that it would be impossible, in the nature of things, to keep pace, in courts of justice like ours, with the impatience of the various suitors: much time appears to them to be lost in useless forms; it may, however, be remarked of forms of justice, that the inconveniences which they produce are ascertained and known; but the evils which might follow, if these fences of order were once broken, it cannot enter into human sagacity to discern.

Men are ever more prone to censure than they are apt to praise; the good they receive they estimate as barely their due, and they think of it no more; but the evil that comes upon them they instantly consider as a peculiar misfortune. In the instance before us, the suitor in a court of justice neither understands nor is desirous to conceive the numberless distinctions, intricacies, and arguments that are to be defined, traced

out, and answered before he can expect to receive his right : he complains only because he waits ; and when once he is dismissed, and is satisfied with the determination of the court (which is seldom the case), you hear no more of reproach against those delays of the law which he has now left his neighbours to endure.

The complaints we daily hear against these delays arise generally from an interested feeling. As a system, the law is seldom considered ; the causes of its apparent delays are therefore seldom inquired after : were this done, it would perhaps be found, that, amidst the multiplicity of business which engages the attention of our courts, the comparative facility, precision, and dispatch with which justice is there administered would be discovered, and admiration would naturally take place of anger or regret.

Most of the arguments I have urged in defence of the alleged expensiveness and delays of law will serve also in favour of that intricacy which is represented to be so general a theme of censure : I will observe upon this particular head, that every man who engages in the various speculations that are incited by avarice or ambition, is adding to the source whence flows that very intricacy of which he complains : it is unreasonable, therefore, in the members of a community, who are thus almost universally engaged, to complain of intricacies to which they are

every day adding by the gratification of their own appetites, and which, if they had their beginning in ages just removed from barbarity, will, in their end, receive a mighty accumulation from the enterprises of commercial policy.

When it suits their turn, men will demand that perfection, the very existence of which at other times they will not allow : but when perfection is talked of, it should be remembered that a line must be drawn between perfection in the abstract and human perfection : with the one we have, I apprehend, little to do in our settlement of worldly systems, and whoever seeks to introduce it, manifests his ignorance of the characters of men ; the other must be the perfection at which we are to aim. Let us define the terms of these ; the former is a total exemption from error ; the latter as great a freedom from weakness as the nature of the thing itself proposed and its connection with other circumstances will allow : if these criteria are admitted, by which of them are we to judge of the excellence of our law ? If it can be clearly shewn that the system of which I am speaking comes up to the latter, will there be thenceforth justice or reason in thus continually arraigning it at the bar of human judgment ?

Whoever will peruse with attention the statute law of this country, or will examine with care

and impartiality the august remains of the common law, and combine the one with the other, will soon find, as the result of his enquiries, that the general law of this land is a noble superstructure, raised upon the everlasting foundation of truth and reason, calculated by its beauty to excite the admiration, and by its strength to be the defence of mankind. Whoever will look with an eye of understanding into our courts of justice, will behold the utmost that the labour and wisdom of man united can perform: he will find the property of his countrymen, however diversified and embarrassed, reduced to its simple parts, distributed according to its true nature, and secured to its rightful proprietor: he will perceive the anxiety of our ancient lawgivers, and of our present legislators, to frame and adapt the laws that have been enacted, and that are now administered, to every occasion that could arise to human foresight, or that may occur from the circumstances of the moment: the aids which are afforded in equity to mitigate the severity, or assist the incompetency of the common law, the distribution of the numerous courts, and the liberty given to every man, of appeal from the inferior to the superior courts, until at last he reach the highest point of authority and law, exhibit a grand and striking evidence of the truth of the conclusion, that there is an excellence and a dignity in the

system of British jurisprudence, unknown, in a considerable degree, to the other legal systems of Europe, and which demand the reverential affection of every good man.

“ Whence then,” you will say, “ can it be that a thing of so high a nature is in so little estimation? or (to speak more truly) in so great disrepute?” From what has been already observed in this letter, you may see that law, as a science is not very likely ever to be generally loved or cultivated; nor does it always follow, in regard to other sciences, that their progress among mankind is proportioned, in its facility or extent, to its intrinsic excellence: but leaving general reasons alone, I am afraid this may, in some measure, be accounted for by one particular cause; with what reluctance do I name it.—Are there not some amongst its professors who, however accurately they may understand the principles of law, do not seem to be sufficiently concerned about its elevation? Locked up in the terms of art and the formalities of practice, the life and spirit of the laws are neglected, and it is not to be expected, with any reason, that they to whom the letter of the law alone is exhibited should feel any other sentiment than disgust. But has the law therefore no life, no spirit? Does it necessarily shut up the mind that is imbued with its principles? Is it a dull piece

of mechanism only? Does it contain in itself no seed, no principle of philosophy? Is its whole connection with genius and with liberal learning cut off for ever? If this be its condition, why this toil of application; this exertion of intellect; this expence of time?

Let not the study of the law by your example be thus degraded; shew to the world that it has a spirit as well as a form; that it has philosophy as well as words; that it will admit of a refined and an enlarged understanding, as well as of industrious application; that the science of English law is entitled to our united esteem and admiration.

But I will not continue in a scene to which I feel myself unequal: to point out the beauties of our legal system is a task worthy of an abler hand.

In my next letter I will attempt to give you a few hints upon the connection that I conceive exists between the technical parts of our system and the principles of law considered as a general science, and we will then conclude this little disquisition in favour of our laws.

LETTER XXII.

EVERY science that has hitherto engaged the attention of mankind, has been necessarily attended by its peculiar forms of demonstration. Grammar, mathematics, geometry, and many other sciences that might be mentioned, have all their incipient forms and signs demonstrative of the nature and essence of their originals ; and with these the respective students must have a continued intercourse : but must the grammarian, therefore, never read without parsing every sentence, or measuring every syllable ? Is the mathematician to confine himself for ever to figures, or the geometrician to definitions ? If this were true, how narrow, and, indeed, how useless would these sciences prove.

This doctrine I apply to the student and the advocate : the law is a science, and it has its forms ; and they are forms, not only of words, but of practice also ; because, unlike the sciences I have mentioned, and many others, it is unavoidably and intimately connected with the affairs of human life : it has to oppose the violent, to punish the disobedient, to redress

the injured, and to protect the innocent; it must therefore address itself to men through the medium of those different forms by which the understanding is affected: such are the various processes whereby personal liberty is taken away, and men deprived of the property they have obtained by violence or fraud; such also are the pleadings by which the offence is declared on the one side, and denied or justified on the other.

To be expert in these forms is esteemed a very necessary and valuable qualification for the English bar; and, perhaps, there never was a time when in this respect our courts abounded with more able men: but here we seem inclined to stop, and to consider that as a perfection which is within the reach of every capacity, and which has no claim to the title of science, distinct from any other mechanical art: and here is another instance of that misapprehension of the true nature of excellence, to which I adverted in a former letter; for, by thus resting satisfied with what is merely a prelude to the science, as though it were the science itself, we entirely lose sight of the connection that subsists, or ought to subsist, between the technical parts of the study, and the object to which they lead; and what is the consequence? An attention to quibble, so dishonourable to the advocate, so contrary to the real principles of law, and so

productive of those complaints amongst the vulgar that were examined in the last letter.

For if we consider the principles of law as a general science, we shall find them utterly different from those which *they* adopt who mistake the forms of law for its spirit : the principles of the former are exalted and liberal, calculated for the noble purposes of regulating the commerce, governing the actions, and relieving the necessities of mankind : they are formed for the promotion of private justice and of the public good : the rules of the latter are narrow and interested, eternally concerned in little things, and fit only for the practice of those whose business it is to entrap the unwary, and to shew their expertness in the practice of the forms, at the expence of the real and dignified nature of the law.

You see then the unhappy consequences that flow from negligence or incapacity to discern the connection I have mentioned to you ; the difference is truly great when that is properly understood : then it is that forms become an object of admiration in some respects, when their source is perceived and their proper uses are remembered ; the terseness and simplicity of some will bring to our recollection the days when men sincerely brought these differences before their countrymen, that the wrong might be distinguished from the right, and so justice

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be done ; when the nature of offences and their punishment was clearly understood, because they were defined in short and intelligible terms ; the voluminousness of others, leading us back to the days of subtlety and art, will teach us that error will pervade the most valuable of human works. With views like these the student will be industrious in forms of law, without incurring the danger of becoming a man of forms ; he will assign to forms their proper place, because he will only esteem them as necessary mediums, by which, as I before observed, the knowledge and the powers of the law are to be administered.

Again, there is this connection between the forms or technical parts of law and its principles as a general science ; no man can expect to use his knowledge of the law successfully, who is not skilful in the forms of it ; and therefore it is not the necessity of this skill that I am canvassing, but the different use that will be made of it by those who perceive the connection I am establishing, and those who do not. Forms, however necessary an acquaintance with them may be for conducting aright the concerns of mankind, are still but the ensigns of our weakness ; they are therefore to be considered only in their relative qualities ; the regulations they mark out are adapted not to the elevation, but to the depression of the human intellect, which is in-

capable of receiving many ideas, or of comprehending many objects at once : let us not triumph in our weakness : nor consider that as the end of our studies, which is, in truth, merely ancillary to their end.

A continued attention to trifles is not only an evidence of inferiority, but is calculated to depress an ingenuous mind ; it creates a little debased sphere of its own, into which, by some strange influence, it attracts the mind, which is then imprisoned, as it were, in its circuit ; and because the motions, though confined, are quick and various, it is deluded into the idea that it is performing mighty evolutions. Can any thing be more miserable than this delusion ? Yet we behold its prevalence through all ranks of men. He who in common life is continually engaged in its least extended concerns, is ever a person of great consequence in his own eyes : a similar cause will produce corresponding effects in the higher stations ; the profession of the law is not necessarily free from its influence ; the mere man of legal forms is often a more important being than he is by whom its nicest learning has been acquired, and to whom its profoundest principles are known.

It will be your own fault if you misunderstand me here ; I have no aim to weaken your attention to practical or verbal forms ; on the contrary, I am desirous that you should be a perfect

master of them ; my great anxiety is that you may not mistake them for the sole, or even the principal object of your research.

Besides, I am induced to believe, that by thus understanding the connection between the forms and the spirit of your profession, you will be enabled to act a superior part even in the very sphere which technical men have appropriated to themselves. Men of dignified minds and enlarged conceptions spread a lustre around every thing they approach ; and in discharging the most common duties, raise them in the estimation of the world. How is this ? By clearly understanding what degree of importance is to be attached to them. Thus it is that you will perform them with united ease and dignity, an union which ever carries with it an inexpressible charm, and of which they who have never understood the natures and relations of those and of superior duties are totally incapable. I apply this to the lawyer : in performing the mere mechanical duties of his profession he will not distract others, or fatigue himself with an impertinent bustle or disgusting hurry ; having the ability to estimate the real qualities of these duties, he will go through them with precision and coolness ; so that men of discernment will see that he thoroughly understands them, and superficial observers will be engaged by his ease and awed by his dignified calmness.

Thus have I endeavoured to collect together a few ideas upon this interesting part of our subject ; consider them well ; they may introduce others more just, perhaps, and more useful : you are at full liberty to adopt or reject. That the subject is momentous I am convinced ; whether it has been truly or sufficiently remarked upon I leave to you : my purpose will be answered if you have been led to reflect upon it at all. To say the truth, I am afraid that subjects of this nature are looked upon by some men with an unwarrantable negligence, if not with contempt : the consequence has been already stated to you ; and I will be bold to prophesy, that if that negligence should ever, through the all-prevailing influence of example, become universal, the profession of the law will no longer be thought to deserve the attention of any man of sense or honour. - Farewel.

LETTER XXIII.

WHEN I reflect upon the work that lies before you, and upon the talents that will be required to enable you to complete it

with honour, I feel great anxiety for your success; but when I remember that there have been, and that there are, in our own day, men who have arrived at this enviable eminence, I am not only amazed at the various powers of the human mind, but am filled with hope towards you: contemplate with me, my friend, the brilliant scene, and learn that every thing excellent in human life is accessible to the united efforts of human talent and industry.

Let us proceed then, with a cheerful spirit, in our investigation; let us not hesitate at any inquiries, of which we have ascertained the utility; nor refuse any labour that has the remotest connection with our progress. The stones which compose the mighty tower or magnificent palace, are not all of equal size or workmanship, yet they all have their use, and contribute, in the hands of the judicious workman, to the formation of the noblest objects of strength and grandeur.

It is the peculiar character of the legal study, as I have before observed, that it demands a mind of the most ductile and various powers; the subject, therefore, upon which I intend to treat in this letter, will not appear to be wholly unimportant; this subject is the usefulness of the habit of constantly appropriating the most apparently trifling circumstances and remarks

of others to the augmentation of our own stock of knowledge.

This habit is perhaps more necessary to an English lawyer than to any other character in the community ; more than any other man he is likely to play an active part in those scenes of contention which are marked by the innumerable diversities that necessarily arise from the complex nature of man, in every climate and under every dispensation of laws, but which are more particularly the fruit of those systems of external and internal commerce that are produced and cherished by the inhabitants of this country.

. You are destined to spend the greater part of your remaining life as an advocate in courts of justice, to which every one of your countrymen, from the most exalted rank to the humblest station, has equal access, but by far the greatest number of those, who resort to these courts for redress, are men engaged in various arts and professions : the nature of their differences will therefore be distinguished, not only by the general contrast of station, noble and ignoble, but by an endless variety of circumstances, attached to particular trades, which are not to be described upon paper, but which men of sense and of the world know how to meet upon all occasions ; you will therefore, in the character of an advocate, find daily occasion for the exercise of

that knowledge in the small things of life (if I may so term them), which men of genius and academic learning are apt to neglect, or to look upon with contempt. This is a study to which no particular portion of your time can be devoted; it is of importance, therefore, that you acquire that art of appropriation at which I have just now hinted.

This, my friend, is not to be learnt in the closet; books will not teach it: it is not to be gained in conversations with the learned; it depends, in a great measure, upon a natural quickness of perception; like all other natural qualifications, however, this may be improved and fitted for the completion of its original designation.

But, supposing that nature has endowed you with this valuable capacity, and premising that with regard to its proper application much depends upon yourself, I will endeavour to point out the way, as distinctly as I can, by which you may attain the art of which we are speaking.

In the first place, when you are attending in the court, accustom yourself, in subordination to that most important of all attentions, which points of legal knowledge and practice demand, to remark the questions that are put to witnesses upon transactions of various sorts; minute down the descriptions of the mechanic respecting his

work ; of the sailor with regard to the navigation of his vessel ; of the manufacturer while exhibiting specimens of his manufacture. By a repetition of this sort of attention, you will gain two things ; first, a facility in the art I am speaking of ; and secondly, a preparation for going through the examination of witnesses, when your practice increases, with ease and credit to yourself, and advantage to your client.

This kind of exercise, which is certainly a very important one, many men of great learning and talent have neglected ; and what wonder ? It is a point upon which few have thought, and it is not improbable, that, of those who have glanced at it, the majority have treated it with contempt ; with what justice we may hereafter consider. It has, indeed, little apparent connection with polite or with abstruse learning ; it seems, at the first view, a shocking deviation from all that is recommended to us under the description of profound study or elegant accomplishment : yet if you will observe my advice in this respect, you will easily perceive how lamentable a defect the want of it is ; and that, in some cases, no talents, however superior, no learning, however extensive, will be able to atone for the defect.

But it is not only by attention in the courts that you may acquire this necessary art ; opportunities

offer in the daily concerns of life : suppose, for instance, you are in company, in which, among others, men of business are assembled : the conversation of such men naturally turns upon the nature of their trades, the wages they pay their workmen, the dissensions, manœuvres, and various other characteristics of that laborious class of men, and a thousand other subjects that relate to the pleasures or vexations, the profits or the losses, that are attendant upon their respective pursuits. All this is very disgusting to you as a man of taste and erudition. I grant, that, as far as a classical ear and imagination are concerned, discussions of this sort are marked with too little of the scientific character to be pleasing ; but you have another end to answer, or, to accommodate myself and my language to the company we are in, you are in the way of your business ; and though, perhaps, it would be going too far to advise you to seek often for such opportunities, I have little hesitation in saying, that you will act the part of a very wise man if, in the earlier part of your life, you do not absolutely avoid them.

I would also wish you to accustom your ear to a familiarity with as many technical terms of art as possible ; there is a mode of doing this without deducting one moment from the time you mean to dedicate to your more important studies : while you are, appar-

ently, amusing yourself, or transacting some common affair, you may be pursuing this necessary study : for instance ; you are upon a visit to some friend who has workmen employed about his house or grounds : it will be natural for your host now and then to view the progress of the improvements for which he is some time or other to pay : now, as the conversation between your friend and his workmen will doubtless be to the affair in hand, you will hear the various terms in which the carpenter, the bricklayer, the smith, display the accidents of their particular occupations : here is an opportunity of obtaining the information you want, without being indebted to any body ; for they from whom you obtain it, will be the last men in the world to suspect that you are seeking for it : I have mentioned this merely for example, and to excite you to have your ears ever on the watch. Every street in the metropolis, and every road that leads into it, abounds with instances from which knowledge of this nature may be daily drawn : nor need you be ashamed of this employment ; it is related of one of the most accomplished men this country can boast, that at his table were frequently to be found the eminent in almost every branch of science, from the common mechanic to the most profound logician : with each of these he was able to converse familiarly in the technical terms appro-

priate to their respective occupations : it would be an affront to your understanding if I were to ask you, whether you thought this to be a blemish in his character ?

But it is not even to this sort of pursuit that I would confine you : I would have you proceed one step further ; or, if the term should seem more appropriate, lower. Form some acquaintance with the manners of every class of men : it may, for the most part, be gained as secretly as the knowledge of which I have just been speaking, and it will put it into your power to meet every man upon equal terms ; an advantage of greater value in active life than people are usually aware : poor as these acquisitions may be in your estimation, you see I have brought one instance, and I could presently bring many more of great men who have thus exercised themselves ; but in order to settle the matter at once, I will proceed to see what particular necessity you will have for them.

I have already remarked, that the courts of justice, in which you will by and by appear, are open to all conditions of men, but the majority of causes that go there for decision arise among the middle and inferior classes of the community ; and in your business as a junior, you will perceive your ground with a wonderful clearness if you have obtained the advantages I recommend. The witnesses are commonly artisans,

mechanics, carmen, and so on: these people have a language which they think peculiar to their own sphere, and they are very proud of it; their surprise, therefore, at finding a man in your situation not wholly unacquainted with their maxims and phrases, will presently give way to that sort of confidence which generally springs up between persons, who, according to common speech, are said to understand one another: now, is not this the very sentiment you wish to cherish? Your aim in examining a witness is to obtain the truth: and men are usually warmed to confession rather by confidence than by fear or aversion. The fact is, the witness is pleased to find a momentary freedom with you whom he has, most probably, been taught to dread, and he opens his heart to you with all the unregulated ardour of a rude friendship: it is not unlikely but an hour afterwards he may wish to recal what he has said: your purpose is, however, fairly answered.

All this is very different from the exercises of the schools, but you must be convinced of its necessity; suffer that necessity to recommend it to your notice. The embarrassments in which ignorance in this respect frequently involves not only men who are young at the bar, but even those who are advanced in their profession, are notorious; and furnish therefore stronger argu-

ments in its favour than any I can urge. This it is that makes the examination of witnesses (the very essence of a junior's practice) a matter of so much dread ; this is the reason why so few succeed in it : nor is it at all wonderful. A young man, after a few years at school and college, is entered a student of the law ; some part of this probationary time is spent by the most diligent in a special pleader or draftsman's office, and the remainder in retired study and rural amusements : with the majority this is not the case : the pleasures of the town, chequered with proportionable indolence and with country excursions, wear away the tedious days ; but in either of these cases no knowledge of men and manners is acquired : how then is he, whose whole business is with the clashing interests of mankind, and who must meet them in every artful variety of character, to conduct himself amidst these difficulties of which he is either not aware, or in the true nature of which he is utterly mistaken ? The only wonder will be, if he does not sink under them.

I am aware that it might be answered, No gentleman, no man of genius can stoop to such acquisitions, or indeed, would endure to make use of them if he had made them. This is worth canvassing, because it is an error of great extent, and, if suffered to prevail, will produce very mischievous consequences. I shall, therefore,

in my next letter, if you are inclined to the discussion, see whether there is any thing derogatory from birth or genius in the knowledge I have recommended, or in the means which I have proposed for its attainment. Farewel.

LETTER XXIV.

GENIUS and fortune appear, generally speaking, to render their respective possessors impatient of every degree of restraint, and to create an attachment to repose : lifted up by a conscious superiority, the one above the weaknesses, and the other above the wants to which the rest of mankind are subject, they look down upon every species of labour with aversion or contempt : however disgusting such sentiments may be to a man of sense and feeling, still he will be inclined to pardon them, while such characters forbear to take any shape in the world as members of it. In the first, indolence is excused from a strange caprice, because it is not the consequence of incapacity ; in the second, because it seems to be a right : but when these persons attach themselves to arts and professions, the folly is no longer tolerable,

and ought to be combated and exposed : it is then expected that the powers of genius and the aids of fortune are to be applied to the purposes which they were originally destined to effect. I shall apply this doctrine to the subject before us.

When a man enters into the study of the law, one of these two things must happen ; either he understands what the general duties of the profession are, or he does not. If the latter, there must be a negligence or a weakness in the judgment, which no genius or fortune can remedy ; and the only comfort is, that it prevents him from being sensible of the depth of that oblivion to which he is hastening ; but as this can seldom be the case with men of education, I shall speak only of the former.

When such a person enters upon a study, he binds himself down, in a measure, to pursue the means by which every other man must expect to gain success : and it is insufferable arrogance in him to expect an exemption from the conditions of this tacit agreement, and at the same time to complain of his ill fortune in not meeting with the success he claims ; for it ought to be remembered, that men of this description are more than commonly anxious for success in whatever they happen to engage ; and, by a very natural consequence, are more than com-

monly agitated if they perceive that success, like a coy and a proud mistress, will not attend to every beckon, or follow them at every call.

A long established general opinion, no less than the necessity of the thing, has marked out certain labours appropriate to the different stages of a legal progress; and although these may not always accord with our inclinations, still the general systems of life are not to be expected to bend themselves before the particular circumstances or wishes of individuals. I will mark out, for example, that duty to which I alluded in my last letter. A junior counsel in the common law courts is usually confined for a considerable time to the statement of the pleadings and the examination of witnesses; the man of genius and the dull man are thus far undistinguished; they are left equally unassisted to work out their own way. Now the business must be done; and it is a business that relates to the occurrences and transactions of common life; he therefore, who would do it well, must be acquainted with common life, let his genius or his fortune be what it may: and, I would inquire, what is the degradation? Suffer me to ask, what is fortune without the polish of education? Yet the most polished education that man ever received has arisen by degrees from a poor horn-book. What is genius in this civilized age without the corrections of learning and the

refinements of language? Yet these have had their beginnings in spelling-books and dictionaries: and it is not thought disgraceful to have derived our knowledge and our literature from these humble sources.

A barrister must be a man of the world, or he will be nothing: this title is no more contemptible in your ears than that of a man of letters. To learn the world is a science, and it will, like all other sciences, be attained only by industry and a progressive discipline: and in what degree this is likely to contaminate or debase your genius or character, I am at a loss to conceive. In time you leave your alphabet behind you; and there is not any greater necessity to remain for ever at the first principles of this study.

It is idle, then, to call this a debasing and unprofitable drudgery: I may wish, as well as you, that there were no necessity for it; so we might wish to penetrate, with a single glance, into the arcana of truth; so we might, in one word, wish for perfection. — But what folly would it be thus to waste our time! We are men, and we must submit to the conditions of mortality: the most exalted genius and the humblest worm are alike the subjects of its power.

Of that which it is not disgraceful to do, it is no disgrace to fit ourselves for the performance: you do not think it any disgrace to appear as a

junior counsel in an English court of judicature, or to fulfil the duties of that respectable station : then what can be the degradation of acquiring the necessary powers for their fulfilment ? The real disgrace would be to remain there, with more exalted situations before us, and with no other obstructions to our progress towards such situations than our own pride or ignorance.

I observed, in a former letter, that a great mind sheds a lustre upon whatever object it approaches ; I will here observe further, that this lustre is only an emanation of that superior essence which keeps at a distance all the contaminating qualities of the various spheres in which the necessities of its present state may compel it to move. Its dignity and its serenity will not be disturbed by those collisions which are incident to its progress, and which injure less exalted minds : the man, therefore, who pretends, under the protection of his genius, to look with contempt upon the world, or to fear lest any connection with it should contaminate him, may reasonably be suspected of pretending to powers that he does not possess : that real superiority which distinguishes the powerful mind, knows not what such a fear means : it is like a mighty monarch, who, in a progress through his kingdom, learns the conditions of every rank of his subjects, by traversing alike the rude and the polished parts of it, but is still

the same majestic being in the uncultivated hamlet and the splendid metropolis.

Such is the mind I would have you strive to possess ; you will then be able to condescend to the humblest spheres of investigation without fear or shame ; because whatever is low or degrading in them will never become a part of you : whatever you do to meet the opinion of the world, will be done in your own manner ; the most casual observer will perceive that you have no attachment to it ; and when the occasion which demanded such a sacrifice ceases to exist, the sacrifice itself will be continued no longer.

Thus it appears that, to the mind of genuine greatness, there will be no degradation, or fears of degradation, in pursuing the means of completing its progress in an honourable profession. I have explained to you the nature of this misapprehension, as the effect of mistaken, and not of real genius ; at the same time I am ready to admit, that even a sensible mind may sometimes forget what it owes to itself ; but then will it not follow that caution becomes the more necessary ?

I shall conclude this letter with stating to you what the consequences will be if men of talents at the bar despise this acquaintance with common life, and leave it to be formed by less brilliant but more industrious characters.

In the first place, the business of the junior part of the profession will fall into the hands of men of inferior abilities, whose laborious merit will well deserve it, but whose want of penetration and expansion of mind will naturally prevent them from making any excursions from the path they have been used to tread, or from adding much dignity to the superior stations of the profession to which many of them must, by these means, arise, and which common justice could scarcely refuse them.

Secondly, our courts of justice, will, by degrees, fall in the estimation of the world; I mean as far as that estimation is affected by the more liberal and elegant parts of the science; for it has been shown that profound learning, however it may illustrate, will not supply knowledge of life, and that, consequently, its professors will have little chance to escape the contempt which, in the present age, is very reasonably cast upon those who mix with the world, and yet know nothing of its concerns. When they, to whom men fly for advice and extrication from their embarrassed circumstances, stand up daily only to expose their imbecillity and ignorance, what quarter can they expect from those whom they have so solemnly attempted to deceive? And I can tell you, my friend, that this is not a time to permit the profession to sink in men's minds: it will be in vain that

volumes of abstruse learning are given to the world, if that world is permitted to behold the weakness of our lawyers in its own affairs.

Thirdly, the cause of justice itself will be endangered. Juries determine the causes that come before them by the evidence they hear on both sides; they are bound by their oath to let this (under the sanction of the law) be the rule of their determination: and what a wretched sort of information would they obtain, if the witnesses, who, as I have before observed, are in the majority of cases, ignorant men, except in their own little way, were left to themselves; it frequently requires a consummate policy to extract the truth from these persons: and this policy must be exerted in a thousand shapes, which depend wholly upon the abilities and experience of the barrister: and how are these abilities to be sharpened, and this experience to be acquired? You must see and hear all ranks of men: there is no fear that the superior classes will be neglected; I have therefore turned my advice on this head to a contemplation of the inferior.

Fourthly, you will suffer considerably both in your pecuniary interests and in your reputation: you may rely, perhaps, upon your own well-known superiority in every other science, or upon the assistance you may derive from your leader, or upon the perspicuity of

the judge's summing up, or upon your good fortune in getting through the business somehow or other, or upon any thing, for the idlest men are seldom without faith of some sort; but you will find yourself deceived: I know of no scene in life where men stand or fall more completely by the strength or the weakness of their talents, than in an English court of law: the utmost tenderness is shewn to the embarrassment of inexperience, but ignorance finds no mercy: it is true, it is not hissed off the stage, but it sinks beneath the chilling influence of surrounding knowledge. I will ask you a plain question; do you conceive your learning or your elegance can impart any consolation to that man who has lost his cause by your unskilfulness in business? Will he listen with patience, much less with delight, to the reports with which the world is full of your academic excellence? In short, do you think he will apply to you again? No; you will be left to the anguish of an useless regret, that you have not prepared yourself for opportunities in which scholastic excellence, however delightful in its own nature, can be considered only in the light of an assistant or an embellishment.

You will hardly be inclined to blame me for the time I have spent on this subject: indeed it will require little more than a short attendance

at Nisi Prius to bring home perfect conviction of its importance to your mind.

In our courts of equity, it is true, the scene is somewhat changed; the causes of litigation and the mode in which they are conducted in those courts being, as I have observed, of a very different nature from those in the courts of common law; still it should be remembered that the judges there are usually men of a well-seasoned experience in life; a similar experience, therefore, as far as the difference of age and other circumstances will permit, will even there be useful, will diffuse a mellowness over your language and manner, very difficult to describe in words, but very acceptable to those who see and hear you; it will procure for you an attention which is seldom paid to young men, because, unfortunately, it seldom repays the labour.

In my next letter I propose to enter upon the discussion of another very important point in the professional study of the law, namely, Eloquence: in the mean time, I commit what has been written to your reflection. Adieu.

LETTER XXV.

I HAVE ever felt great disapprobation of the sentiment which has spread in the world, that the system of our laws, and the nature of their administration in our courts, are unfavourable to eloquence. I cannot easily be induced to admit the truth of this as a principle, although I am afraid it has received too much countenance from the inanimate mode of speaking or rather talking adopted by many of our pleaders.

I shall attempt, in the course of this little dissertation upon legal oratory, to investigate this notion and the cause of it; and to see if there be not any means of remedying this defect; for I am persuaded it is no unimportant matter that the rising generation of advocates should be incited to excel in every thing that is not only abstractedly essential to their professional success, but what will also embellish and dignify their progress in so honourable a study.

When we consider the nature of the connection that subsists between the administration of the laws and those to whom they are administered; when we recollect that, in the course of that administration, causes daily arise in which our

possessions are involved in doubts ; and that, to divide between the right and the wrong, the clearest perceptions of the judgment, and the noblest sentiments of the heart and mind are to be exercised, we shall have little difficulty to discern the necessity of ascertaining the character of the medium through which these sentiments are to be aroused and informed, and we shall feel as little reluctance to enter into a disquisition which promises some advantages to the pursuit of a science that carries with it a peculiar importance in the world.

Eloquence has ever been the delight of mankind ; in all ages, in every climate, and under every form of government, it has possessed an exquisite charm, and born an irresistible dominion : over the savage and unlettered bands of America, and the barbarous hordes of the North ; over the enlightened meetings of the Areopagus and the Forum, and the polished legislations of modern Europe, it has alike exercised its sway : it has, however, taken different directions, and assumed different forms, as the manners and opinions of men have varied ; still its internal spirit and nature remain. The same soul is required to discern and to be animated by its beauties ; and whether the courage is to be inflamed, the imagination delighted, or the judgment convinced, while these ends are effected by the use of words, and by the man-

ner in which they are delivered, we must be content to consider this medium as eloquence, and to call him, by whose powers it is thus successfully directed, an orator.

It may not, however, be amiss to make a short observation on the general nature of eloquence, and upon the light in which it has been usually considered, as a preliminary to what I shall offer upon the particular species of oratory that is more immediately adapted to the practice of the English bar.

In forming our early ideas of the nature of eloquence, we have been apt to consider it as a science whose chief end has been to inflame the imagination and arouse the passions ; and the portion of judgment which we have allowed to be exercised in it, we have been accustomed to consider only in a secondary light : as we proceed, however, we perceive that the true aim of eloquence is not more to influence the imagination than to direct the judgment : these are never distinctly and absolutely separated, except in very phlegmatic constitutions : we seldom find in polished states any attempts to address the one as totally independent of the other ; but certain it is, that either the one or the other of these is the principal point at which eloquence is taught to bend its powers.

In proportion as a nation lays aside the idea of undertaking wars for the sake of extending

its territory, or as its government becomes independent and established, or is strengthened by the peaceable arts of commerce; the more turbulent passions that shake the human heart, and arouse it to schemes of active violence, are found generally to subside, and the judgment begins to exert its cooler, and perhaps, better influence: by this change, the scenes in which the imagination was wont to rove dissolve; the mind is more busily employed in nice and critical researches, amid the less splendid, but more elevated regions of truth and reason. Here, then, we see the departure of that mode of eloquence which has its main dominion in the imagination and the passions; and hence we may discern why many of the beautiful and animated, but turbulent harangues of the ancient orators, were calculated to excite the admiration, and wind up the enthusiasm of a Grecian or a Roman auditory to a height to which they would hardly be able to excite the feelings of an English audience; the one, members of petty, but restless and warlike states; the other, a nation gorged, but not satiated, with dominion; in which no settled sentiments of stable government or juridical polity were imbibed, which was engaged in perpetual schemes of conquest or defence, or in exciting and composing internal dissensions; pursuits which keep the passions and the imagination continually awake,

and which allow little time or opportunity for appeals to the judgment or to reason.

Again, in states like these, the continual change of affairs prevents that recurrence to past events by any similarity of which to the present the judgment is called in to assist in the decision : every plan is new ; the imagination therefore is the engine by which it is to be recommended : all that is to be done is buried in the obscurity of the future ; hope and fear therefore arise upon the uncertain prospect, and are to be influenced by the magic powers of a warm and enthusiastic eloquence. We greedily listen to the orator who can elevate and surprise us with the golden prospects of futurity, and are apt to look up to him with more than an ordinary admiration who has the talent to persuade us that our fears are groundless, and that the glory of dominion awaits our courage and our virtue. Nor are they who live amid a continued speculation less apt to be the subjects of an eloquence, which can paint, with a peculiar force of expression, all that can awaken the terrible sensations of dread and horror : their imagination is their only guide ; and this can conduct them, with a wonderful facility of transition, from the exalted regions of glory to the abyss of disgrace and misery : hence the artful and experienced orator works up his harangue to the often fabulous ideas of the sublim

and pathetic, which have ever but too much influenced the minds and actions of mankind.

But when, from the influences I have mentioned, the judgment gains dominion, these wild chaotic images vanish into air, the delusions of fancy are unravelled, and we begin to compare the present with the past; because, among a people who have acquired settled habits and manners, some regular and progressive series of cause and effect must have happened to produce the power: hence we begin to reason of the future, till at length we become dissatisfied with every assertion that will not bear the investigation of truth. To strengthen, and as it were, perpetuate this disposition among a people thus established, every thing that is done is done with deliberation, because there is time to deliberate: this produces examination: an aptitude to examine in its turn, engenders an independent principle in the human mind which looks down upon implicit obedience to the sentiments of any individual with contempt and disdain, until at length the power of words and images is only regarded in proportion as they are found to embellish the dictates of the judgment.

The office of the judgment is obviously to discriminate between principles which contain within themselves essences that depend not upon human caprice: in proportion, therefore as the judgment is appealed to, the use of excessive

figures and extravagant images becomes not only unnecessary, but absurd. Men who have found out that they are not to be led, but to be convinced; that they have eyes to see, and ears to hear, and intelligences to understand, will not long endure to be amused with arts of eloquence, the very grounds and occasions of which, fallacious and unhappy as they were, have long since ceased to exist: the reign of the imagination is at an end; the modes of eloquence, which were adapted to its dominion, are departed: but is eloquence therefore no more? rather let us say a new æra of eloquence arises, in which the shadowy bands of the imagination fly before the deep and energetic powers of reason.

Let us therefore no longer confound our ideas upon this important subject; let us no longer call that eloquence, which was only a mode of eloquence; nor agree to banish, by a degrading instinct, all hope and all emulation of excellence in this fascinating and powerful science.

For though imagination rules no longer, is she never to appear? Is her influence wholly overthrown because it is not the predominating influence? by no means. There is, I repeat, an indissoluble connection between the imagination and the judgment; in appealing, therefore, to the latter, there does not follow necessarily an exclusion of this active principle; it never will or can be excluded; it is only regulated; its

proper place is assigned to it; a place which it ever would have held, had mankind always been enlightened: the nobler powers of truth and reason are seated upon the throne it once occupied, when principles were yet undefined, and the true interests of men were enveloped in darkness.

Truth has within itself the essence of light and beauty; amid the splendour of its irradiations, therefore, much of the sparkling of artful embellishment is lost, and the orator, who is speaking under its influences, will spontaneously produce a language marked by its native dignity: he will, as the occasion shall demand, be able to adopt the plainness and simplicity, or to rise to the loftiness and majesty that are equally its characteristics. He is not about either to excite false hopes, or to allay well grounded apprehensions, by means by which he may lead the bewildered multitude into his untried schemes, or seduce them to applaud his visionary speculations: these subjects remain not to be worked upon. In the present state of a country like ours, the necessity of recurrence to first principles exists no longer, and no deductions will now be received, however artfully introduced or elegantly displayed, that are unable to bear the penetrating eye of the judgment, or to undergo the inquiries of reason.

The solid constitutions of eloquence neverthe-

less remain uninjured : genius, sentiment, information, the elegant proprieties of language and the power of illustration, must still aid the orator ; their course may be diversified, and their influences regulated, but they still retain their proper use, and are therefore to be cultivated with diligence and care.

The true nature of eloquence is immutable ; it is not to be estimated by this or that particular mode of demonstration. We have seen that in one age it is used to rouse the passions ; in another, to charm the imagination ; in a third, to convince the reason : but these, I repeat, are only so many modes by which its end is displayed and attained : namely, to persuade or bring over adverse opinions to its own side : they are therefore individually no more to be considered as the whole of eloquence, than the beams of light that flow from the sun are to be considered individually as the orb itself.

If, in any future period of our experience, a new sensation or power of the mind should arise, which would be a subject fitted for the influence of eloquence, but different from our present passions or imagination or judgment, could we say with truth that in this case there was no room for the exertions of eloquence, because those particular modes to which we had been accustomed were no longer efficacious ?

Ought we not rather to esteem it as a new species of the same genus? and, consequently, endeavour to raise it to the same rank that preceding species have held in the general estimation? Apply this to the present doctrines that are received with respect to the eloquence of the bar, and we shall then be induced to conclude that the native properties of oratory may be directed with effect in the exercise of that profession.

Thus much for this preliminary and general dissertation, wherein I have attempted to set the nature of eloquence in its true light. The business of the two or three next succeeding letters will be to apply these observations to the immediate point before us; and I shall hope to shew you satisfactorily, that a very noble and dignified species of eloquence may be cultivated and exercised in our courts of justice; and thence, I trust, arouse in your breast a desire to excel in this as well as in other accomplishments that may wear the appearance, and perhaps have obtained very justly, the reputation of a more solid nature. At the same time I would not have you mistake my meaning, by supposing I consider the English forum as the most excellent scene in which the powers of eloquence are to be displayed in addresses to the imagination, to the judgment, and the reason; the pulpit

and the parliament of England, present the opportunities for eloquence to appear in her highest splendour. I would nevertheless shew, the degree of this splendour of which the bar is capable. Farewel.

LETTER XXVI.

I DREW a comparison, in my last letter, between the eloquence that would naturally arise in an unsettled state, and that which would flourish under a government, the terms of whose authority were clearly defined, and the administration of whose laws was completely understood: this comparison I shall now apply to the present state of this country, and of its juridical polity.

Framed by the hand of human wisdom, cemented by the concurrence of succeeding generations, and strengthened by the lapse of ages, the laws of England have at length erected themselves into a system that embraces almost every imagined point of the personal security of its subjects; but, extended as it is, and calculated for this beneficial purpose, such is the variety of circumstances that daily demand attention, and such consequently its numerous

and intricate ramifications, that it requires a peculiar learning, and a peculiar mode of eloquence, to pursue and apply those laws to the wrongs they are intended to redress.

In the course of the researches that are made upon such occasions, the advocate cannot fail sometimes to meet with cases analogous, either in principle or in fact, to those before him: from these precedents it will be a part of his business to draw just and proper conclusions, and to apply them in favour of his client, or against the cause of his adversary; and this, which it has been objected destroys the spirit of eloquence, appears to me, in conformity to the idea I have suggested, to lay the foundation for an eloquent exertion of those powers, the perfection of which may justly be reckoned among the highest honours of man.

In an address to an English jury the pleader is addressing his countrymen to protect the injured, and to punish the oppressor, by the due administration of known and settled laws; his auditory are freemen, fulfilling the office of free laws; their decision may affect the future property of thousands; they, whose estate or security or reputation is at stake, are men who are entitled by their birth-right to a clear and impartial distribution of justice; the eyes of many, interested in these rights, are upon the court and upon himself; his mind will there-

fore be animated to the dignified fervour of a plain and manly eloquence, that seems to feel the importance of its own exertions, and that seeks not its elevation in empty forms and phrases of speech.

In arguments on special cases the same principles will continue to influence the pleader, although his auditory will be of a different character; he is then directly to address the bench; yet with respect to precedents, considerable acumen may be discovered in the choice of them, and judgment and closeness of reasoning in their application: and numerous opportunities of a refined, ingenious and discriminating eloquence, present themselves in opposing a keen and sensible adversary; and in displaying the various letter of the law, and enforcing its spirit and meaning.

In the courts of justice of this country also, the same grand principle of law is applied to the settlement as well of difficulties of small pecuniary importance, as of those that relate to more extensive concerns; for it is the peculiar privilege of a free country, not only that there is the same system of laws for the rich and for the poor, but also that, in the administration of that system, no respect is had to persons: the quality therefore, and not the quantity of the property, is what it looks to: hence arises room for a display of the beauty and justice of a

tribunals of the country derives an additional dignity from the laws and from the free condition of the subject: this it is, indeed, that must give to eloquence its very soul; this it is that will animate and exalt it far above those prostituted effusions of images and words which were too often poured forth to tickle the ears of a despotic judge, who decided only by those impressions, which, as they were raised in a moment, might in a moment be destroyed.

Of our laws, it may be said, that as a system they are the essence of reason; like every other human production, they sometimes fail, but this weakness seems only to proclaim to us that they are not divine: by these laws our judges judge; they are not at liberty to dispense with them, or to alter them.

Our pleaders are not debarred from eloquence, like the Areopagites, nor are our judges left like the Roman to the licentiousness of a capricious equity; the decisions that are made in the British courts are the produce of the eloquence of the advocate, the integrity of the judge, and the wholesomeness of the law: and in the event of those new trials and appeals, which are freely granted, the final sentence is obtained through the same medium; the advocate must plead, the judge must hear, and the law, and no other power, must ultimately decide. Here then, at last, all is clear and certain: that which has

been thus obtained is an indubitable possession, warranted by the law of the land, than which, as there is no higher power, so can it be subject to no individual authority or caprice.

Another very powerful incitement to eloquence in the advocate is the dignity and integrity of those whom he addresses: to these high qualities I may add their extensive experience and deep learning. The situation and character of his auditors will at all times influence the feelings of an eloquent speaker: if they have sagacity, and learning, and virtue, he will call forth every power of his mind and of his body to address them in a language suitable to such high attainments: he will find that they attract responsive qualities, and he will be satisfied only in proportion as these appear in the various parts of his address: this stimulus will not, therefore, fail to produce a refinement of language, a nerve of sentiment, a depth of discrimination, in fine, a flow of corresponding eloquence.

The subject is capable of innumerable views; in whatever way it is considered, it appears to present to every man of spirit and talents a field for exertion: in every department there is room for the exercise of the reasoning powers; scarcely any cause can be called insignificant, because, from the smallest to the most important, there is the same relation to the

spirit of the laws; they are canvassed and decided upon the same principle; and it is only by the quantity or degree of that relation that they will appear to be more or less important in the eye of a lawyer: nor is the motive of gain to be forgotten: men naturally and laudably entertain ideas of remuneration for their labour; and in this respect the British advocate has a double motive; his hopes of reputation and of pecuniary emolument combine to form another most powerful source of that argumentative eloquence by which alone he can expect to succeed either for others or for himself.

If this be the case in those causes where the dispute relates merely to the civil possessions of the client, how much more strongly must it be so when his honour or his life is made the question? What weight must that eloquence have which is employed in discriminating the various intricacies that usually characterize causes of this nature, in delineating the interwoven shades of moral turpitude, and in applying to these the laws that in vain have been prepared, of themselves, to meet every occasion, and to enter into contest with every circumstance of life: the indescribable irresistible sympathy, by which we are led to commiserate the subjects of that ill fortune from which no man can say he is exempt, will arouse every sense and point

every affection with redoubled keenness : this sentiment must impress the breast of the advocate himself ; it will add to the dignity and the pathos of his eloquence ; and he will shew the world that the genuine qualities of that science are not incompatible with the business of the English bar.

It appears, therefore, that the notion which would separate eloquence from the employment of the barrister ; which would persuade us that this employment is a mere matter of form and business, circumscribed within the limits of mechanical drudgery, or confined to the dull and beaten road of precedent ; which would insinuate that, with the age of imagination, eloquence itself has fled, is false : do not suffer it, if it have any influence over you, to exercise that influence any longer, nor retain a prepossession so dishonourable to the profession in which you are engaged, and which will probably prove so injurious to yourself : be animated by the examples that are at this moment before you ; and, by your own example endeavour to demonstrate to your contemporaries that the study and the practice of the law is susceptible of eloquence ; that it is capable of being rendered not only a useful but an enlightening and a pleasing study : by doing this you will perform a valuable ser-

vice to yourself, to the profession and to your country.

Do not tell me of the inveteracy of the prejudice that you will have to oppose : not that I would wish you to attempt a task that is hopeless in the eye of reason ; but I know there is a fashion in many opinions that renders them very easy of change, especially when they who have adopted them are far from being convinced of their truth : this is exactly the case with regard to the opinion I am endeavouring to combat. Truth points out in the clearest, the most emphatic language, that the law is a science capable of every liberal sentiment ; that it is, in every respect, so connected with men and the affairs of men, that it cannot but have an equal connection with the grand study of the human heart ; that it therefore requires every power that is estimable ; and that the displays of these powers must be through the medium of language ; that this language must be such, in every respect and in all its forms, as to be worthy of so important a subject ; and accompanied by all those dispositions of clearness, energy, and profundity, that when combined and presented to the human intellect, can be adequately described only by the name of eloquence : this, I say, is the language of truth ; it ought to be yours ; make use of it ; and I am much

mistaken in the estimate I have formed of the genius and good sense of my young countrymen, if the prejudices they may entertain will not presently give way, and the flame of emulation, when once lighted up, burn strongly in their bosoms.

Having thus observed upon the nature of eloquence, both with respect to its general relation to society in its different states, and to its particular connection with the juridical system of this country; and having thus attempted, as far at least as appears necessary to my aim, to demonstrate that the practice of our courts is susceptible of eloquence, I proceed more minutely to examine in what particulars the advocate ought to be prepared for the exercise of his forensic talents.

LETTER XXVII.

I THINK it has appeared in the course of our late investigation, that all the constituent qualities of eloquence may, in their turns, be exhibited by a British advocate, who has the honour of his profession at heart; I therefore now proceed to consider by what rules and in what proportions they may be exercised, so as,

at the same time, to give the subject all the force it has a capacity to receive, without overstepping those boundaries which every subject marks out to the eye of a discriminating judgment ; and I shall speak first of the imagination.

It has been observed, that, although the effusions of a prolific imagination have, from the influence of various circumstances, given way to the superior powers of reason, they have still retained a certain degree of subordinate interest, and may be permitted to enliven and adorn those addresses, which, nevertheless, are necessarily pointed to the judgment : it therefore remains to be seen how far, in the exercise of his professional talents, a barrister ought either to restrain or give a loose to imagination.

In order to form a correct idea on this head, he must, I apprehend, consider very attentively the local circumstances of his situation ; for as the component parts of every whole must bear a relation to each other in some degree, so must that relative capacity be marked by certain characters appropriate to the design. Now a case that has been finally decided in a legal tribunal, is a complete whole, of which the component parts are, the offence or wrong, the defence, the reparation, and the terms in which these are to be made known to the comprehension : these terms necessarily consist of words and figures : which are consequently related to the circum-

stances they are to explain ; they must, therefore, bear an exact proportion to them, if they are intended to produce a good effect.

Suppose, for instance, you were to address a jury upon a case wherein the situation of the parties was of a nature that precluded any possibility of mighty wrong to either, and the recompence for which could not, therefore, amount to a very extensive demand ; it will, nevertheless, be of moment that, even here, the influence of the imagination should be ascertained, because it is this which prompts the sentiment, the language, and the manner ; all which it is the business of the judgment to regulate and correct. In what light would you view it ? First of all, you would consider that there is a positive injury sustained by your client ; secondly, that this injury may be grievous to him, though, by the comparisons which men of business naturally form, it may appear of small concern to a jury ; and thirdly, that whatever the real extent of the injury may be, it has, by right, a demand of reparation : what is the office of the imagination in a task like this ?

In the first place, you have to state the case of your client in a plain relation of the circumstances ; the language appropriate to this subject must be simple and nervous, easy of comprehension, and clear from all extraneous allusions : as the facts involve in themselves little chance of

evil consequence to any persons except the parties engaged in the dispute, so they ought to be introduced in their own natural order, without affected pomp of phrase or action : the imagination should not be busy to prompt a laboured exordium, or to appear in violent gestures of the body, or excessive agitation of the features, or in any other mode that should mislead the mind to expect some matter of high importance ; such a misapplication of language and manner would not fail to draw down ridicule upon yourself, and, perhaps, it might endanger, in some degree, the cause of your unfortunate client.

Secondly, you have a consequence to draw from the statement you have made ; namely, that an injury has been sustained by your client : here the imagination may be permitted to have a little rein ; it may point out a representation of the nature of every Englishman's property, of the relation it bears to the laws, of the violation of that relationship, and other topics of a similar kind ; but all this must be effected under the influence of a chastised ardour : the eye must not pierce keenly, or the heart appear to be affected deeply ; the language must partake of this ameliorated quality : it may be that of warm expostulation, but must not pretend to a lofty and dignified tone of expression ; much less must it affect the shrillness of exclamation, or

the tremulous note of the pathetic : with all this, the form of the countenance and deportment of the whole frame must agree : the illustrations must be drawn from easy, and perhaps, somewhat familiar images ; for what man, even of the most common understanding, would endure to reflect that he had been viewing, with eager eyes, the violent emotions, and listening, with erected ears, to the high-sounding phrases of an orator, who had no greater end to answer than to obtain from him a verdict, by which some obscure individual of the community was to obtain forty shillings damages ?

Thirdly, although the injury you have sustained is small, and you have not pretended, by an inflated language, to give it an importance that it does not intrinsically possess, still it is of sufficient consequence to excite the attention of the jury, and to claim the protection of the law : here, perhaps, the imagination has a further liberty ; it may be allowed to depicture, in language of an animated key, the equity of those laws which are thus administered, even at the very fountain, to the poorest suitor ; it may set forth the value of that right, by which the present case, of an extent comparatively insignificant, claims attention and redress ; it may trace this right to a source by which men may be able to appretiate it : but, in this point, the influence of the imagination must not be suffered

to produce an elaborate harangue: how incongruous would that appear, when the cause and the end are reflected upon for a moment: you would not employ a lever to raise a feather; a single figure, or one or two well-connected sentences properly applied, will probably fulfil every purpose the imagination will have to effect in a case like this.

What I have given you for an example, with respect to the government of the imagination, must be applied to all the varieties of importance which will inevitably characterise the causes that occur in the course of a lengthened practice; and it will be not unworthy of observation how many shades of the influence of imagination will arise, as it were, from this variety, and be applicable to an adequate representation of rising degrees of loss, of oppression, and of injustice.

But in arguments addressed to the bench you will have more immediately to consider the high authorities whom you address: I mention this the more particularly, because the judgment of young men is here frequently misled: impressed (and very justly impressed) with an awe of the dignity of a court of judicature, their minds imbibe a solemn cast that will communicate itself to the tone of the voice, the turns of the countenance, and to every gesture of the body: this, by degrees, de

generates into habit ; and when these impressions, through a long intercourse with the subject, continue no longer, or, at least, are greatly abated, the solemnity of tone and feature remain, and, by long usage, communicate themselves insensibly alike to the most important and most insignificant occasions : and the reason of this is, the imagination is let wildly loose ; consequently, by assigning to it its proper office, the evil will either be wholly prevented or presently removed : under the impression I have mentioned, the imagination is busy in creating figures and forms of language adapted to its mistaken estimation of the dignity of the audience ; whereas the nature of the subject alone ought to regulate these things. Anxious to manifest his reverence for the assembly he is to address, the young speaker conceives he cannot be too select or too elevated in his illustrations ; utterly forgetful of the nature of his case, and of the effect that his pleading is intended to produce.

But you will ask, can a barrister, with any propriety, use low and familiar language in addressing a court of justice : and if not, to what purpose I have introduced this consideration so particularly ? I answer, that a great deal depends upon the air with which language is uttered ; from this, the plainest forms of speech may derive a grace, whilst on the other

hand, the best constructed periods may be rendered insipid and vulgar : I have therefore a further purpose to answer by impressing on the student this last consideration ; an aptitude to the cultivation of that attic ease, that he may neither disgust by an affected and ill-timed pomp of expression, nor offend by vulgarity and rudeness.

In the court of chancery, the subjects of the advocate's eloquence are generally of a more abstruse learning than those which occur at Nisi Prius ; but even here the powers of the imagination are not wholly excluded : in this court the decision of the judge is always dictated by a mingled principle, if I may so express myself, of legal and moral equity ; he is therefore to be addressed partly on the ground of established law and precedent, and partly on the reason of the thing : now this latter takes its complexion from circumstances upon which the imagination may be suffered somewhat to dilate ; such as the various species of injustice by which men usually wrong each other ; the accidents of life, which, though they cannot be foreseen or prevented, may nevertheless be ameliorated in their consequences ; the distresses incident to these accidents ; and many others which, by proper attention, you will discern : here the powers of a man may be perceived : he will work up these representations, to strengthen and en-

force the reason of his claims, with an art peculiar to the eloquent; he will discern the extent of his opportunity, and while his imagination is permitted to dictate a language of animated anger or reproach, or expostulation, he will still remember, that its office is a subordinate one, and that it is particularly subject to the restraints and corrections of the judgment.

If this be true with respect to the court of chancery, it is equally so with respect to all those other courts which do not decide wholly upon the principles of the common law, up to the highest seat of judicature in the country, the house of peers; with only this addition, that as they are most of them courts of appeal, a more enlarged retrospect arises, and consequently there is the greater room for the imagination to expand.

In our courts of criminal justice, the feelings are sometimes with the greatest propriety addressed; but as the course of those courts allows not of reply on the part of the prisoner (except in cases of high treason), the imagination is sufficiently curbed by the suggestions of humanity, which will not permit a man to exert his utmost force against an unfortunate fellow subject whose very situation at the bar may sometimes of itself, be deemed an expiation of his offence: upon this particular branch of your profession I will not therefore dwell; but

content myself with observing, that experience has clearly shewn that the imagination has sometimes produced, in these painful exercises, no inferior specimens of legal eloquence.

I have thus endeavoured to point out to you, in the best manner I can, the office of the imagination in the oratory of the English bar; and you must, in reflecting upon this subject, perceive two things: first, that they are wrong who consider the business of our courts as incapable of any considerable flights of eloquence, as far as the imagination is concerned; and, secondly, the superiority of the reasoning and argumentative powers over those of the imagination in this system of elocution.

I must confess to you, that I am very earnest to conquer a prejudice which brings the profession of the law into great disrepute. What a transporting circumstance of my life would it be should I be able to subdue it; could I persuade you, and my other young countrymen who are going to the bar, that the situation of an advocate may rank among the most honourable upon earth; but that whilst eloquence, urbanity, and integrity are forgotten in the pursuit, it will lead them only to a more marked and universal contempt! Why are the great names which once adorned the British courts of justice remembered no longer, or, if remembered, remembered with neglect? They who

remain must; in the course of human life, presently depart: whence then this indifference to such bright examples? Let us not be unanimous to establish the opinions of those who hold that sterility, cunning, and impudence must unite to form the character of a successful lawyer. Adieu.

LETTER XXVIII.

THE office of the imagination being thus ascertained, we proceed to investigate that of the judgment.

This faculty of the mind, which we term the judgment, comprehends by far the noblest and most useful powers of our nature: those of the imagination are more extensive, but at the same time visionary; they are more gay and alluring, but they are also delusive: the one analyses and corrects our ideas; the other is the progenitor of wild and dissipated fancies: the former is vigilant in discovering the truth, and will lead us up to it with a steady hand; the latter is almost ever employed in depicting delightful, but fallacious scenes; the

judgment ought therefore ever to be the regulating, and the imagination the regulated principle.

With respect to the connection of the judgment with the subject immediately before us, I observe, that its office has a twofold relation; first, to the pleadings of the advocate, and then to the decision of the judge: hence my position, that the eloquence of the bar is a species of eloquence, which addresses principally the reason of its auditors; which seeks to draw its deductions from the application of the law to clear and established facts, rather than from the chimeras of a heated fancy.

As far as the reputation and real success of an English advocate is concerned, it is of the utmost consequence that he possess a clear and settled judgment in respect to the real nature of things, to their adaptation, and to the choice of language adequate to every circumstance and occasion.

I would ask, in the first place, how that advocate would appear, who should stand up in a court of judicature, without having acquired a clear comprehension of the nature of his case, and of its various parts and circumstances: wandering from this to that part of his subject, unable to discern what part to produce, and what to retain: fixing by chance upon some weak or disjointed member,

and then, with an unmeaning solemnity, dragging it forth as the main support of his cause; discovering his mistake only by the impatience of his auditors, and covered with confusion at a sense of his inability to rectify it; unwilling, however, to terminate his efforts abruptly, he has recourse to his imagination; and this only serves to make his weakness the more conspicuous: his uncertainty increases; he continues to heap words upon words without meaning or end: now, in all the violence of anger, he declaims upon the injustice, but of what he cannot tell: now he would argue; but like a man talking in his sleep, he has no single certain position on which to found his argument: now he would complain, now remonstrate, now intreat, till, at length, his speech becomes a chaos, and nothing but his silence can restore him, and those whom he addresses, to regularity and the light.

He, therefore, who is destitute of these powers of the judgment, and who, consequently, understands nothing of their application and office, is in a very unhappy case as a legal orator: he is to address men well informed, and matured by experience in all matters of discrimination and reason, who know how to estimate things upon the first view, and who are secretly very little inclined to pay attention to a speaker who is

deficient in this grand quality of forensic eloquence : and these persons you will remember, are placed in seats of authority, whence every look and every sentiment has weight with the surrounding public ; so that the feelings and the interest of the speaker, are equally involved in the consequences of his want of judgment.

How different from this humiliating situation is that of the argumentatively eloquent pleader : he has learnt to distinguish the important from the unimportant, the real from the imaginary, the true from the false : by understanding the office of the judgment in subjects of legal oratory, he avoids the disgrace of trusting to an unbridled imagination : he knows that words, however highly sounding, that figures, however captivating, will avail little in influencing the judgments of those who are bound to decide by the doctrines of established laws, and who will judge by the rules of truth and reason : he reflects that the puerilities of declamation have long resigned their power to philosophical realities in the courts of English jurisprudence, and that the studies of the persons who preside there have been directed to the establishment of their talents in a rational and investigating eloquence ; he therefore directs his utmost powers to succeed in this honourable path : and order, brevity, and perspicuity will mark all his speeches ;

every circumstance that can aid, or that may injure his argument, is properly considered and disposed : this is brought forward, whilst that is partly produced and partly hidden with an art peculiar to a sound judgment ; in short, all is plain, clear, and obvious ; no time is wasted in circumlocutory and painful explanations : and the attention of the judge accompanies the advocate through all the stages of his reasoning.

But the office of the judgment, in this respect, is not confined to discrimination of circumstances, or their mere arrangement : when they are brought together in the mind and memory of the pleader, it will teach him how to adapt them in the way of dilation or compression : Thus, for instance, is he engaged in a cause which, though important in the consequences of its decision, is yet not involved in much intricacy, either of moral or legal circumstance ; it must, however, be supported and explained by some adducement of facts, and by arguments : these he will bring forward in their order, and dispose of them with care and attention : but he will not labour at them ; he will not, with an important deliberation, and with a look foreboding great profundity of disquisition, produce an elaborate succession of positions and deductions to demonstrate that which is self-evident, even though it be the most prominent

circumstance of his case: nor, on the other hand, will he run over with a puerile haste those arguments upon which the very essence and spirit of his cause depend.

From all these faults a well formed judgment will save the pleader; of how great importance it is therefore to improve this admirable faculty, I need not surely say: at the same time it may be remarked, that this is not the work of an hour; many efforts, much application, long experience, and, I may add, great natural strength of intellect, are necessary to effect it. It will be urged perhaps, that these are accidents which seldom unitedly happen to any man: granted: but few men are in the common nature of things calculated to adorn the science they profess: this, however, is beside our question; the terms of which propose, that the judgment has an office to fulfil essential to the perfection of legal eloquence. Now every man who professes to become an advocate, according to the principle I laid down in a former letter, professes impliedly to fulfil the terms upon which that character is founded: one of these terms is eloquence, and one of the constituent parts of eloquence is a clear judgment; he, therefore, who has not a clear judgment cannot possess eloquence, and he who has not eloquence leaves one of the primary terms of his profes-

sional agreement unfulfilled; and the corollary is proportionate inferiority and disgrace.

Language is the last thing I propose to consider, at present, among the subjects of the powers of the judgment: and in this I shall include all the external signs of eloquence by which the passions are demonstrated and attached, and by which alone we are enabled to communicate our own sentiments, and to influence those of others.

Whenever the judgment fills up the office for which it is designed with respect to legal eloquence, it will influence the language of the speaker; it will give it a simple, yet a dignified tone; it will render it plain to the most bounded capacity, yet acceptable to the most attuned ear; it will banish equally the unmeaning insipidity of dulness, and the proud inflations and pert niceties of pedantry and self-conceit: nor does it stop here: it regulates every motion of the body; and the features of the face, by which so much is expressed, are subject to its laws; it gives to the one every decent and necessary grace, and to the other all that variety of animation which never fails to interest the hearer; it restrains every unnatural violence, and repels every disgusting eccentricity.

I have spoken of the judgment as the regulator of the imagination; but it has a peculiarly important province in respect of the business

in our courts, wherein the imagination has little or no concern: I mean the examination of witnesses; and although this does not come within the idea we are apt to form of eloquence, yet as it is a very extensive and important duty, and is immediately under the jurisdiction of the judgment, of whose office we are now treating, it does not appear improper to introduce some mention of the connection between them in this place.

If the judgment be not intimately consulted in the performance of this duty, very enormous errors will ensue: nor will this appear at all wonderful, when we consider the natural and artful intricacies of the human mind, and the necessity that exists for accurately tracing them, if we would discover the truth. In the prosecution of this task, the most brilliant talents of the fancy will little aid us; its success depends upon the powers of the judgment, which first of all mark out the proper path, and then unceasingly pursue it.

Where the judgment prevails, it will prevent all impertinent and trifling questions, derogatory from the true dignity of the advocate to ask, and unworthy of an Englishman to answer: it will not oppress the timid, nor mislead the unwary; it will, nevertheless, strike home to the heart; it will detect the prevaricating, and repress the froward witness; it will

search to the inmost soul, and with an irresistible arm, drag forth the reluctant confession to the light: it will teach the bosom it inhabits to scorn the impulses of a low and vulgar cunning; but it will, at the same time, awaken to every prudential maxim, and give vigour to every cautious sentiment.

I might enlarge upon this topic almost without end; but I wish to instruct without being tedious to you.

Let us pause a moment, and take a transient retrospect of what we have advanced respecting legal eloquence.

In these views of the general nature of eloquence, we have found that it is calculated for the purpose of persuasion; we have seen that this purpose is attained in various ways, according to the fashions and opinions of different ages: and it appears, after making all due allowance for physical influences, that in proportion as the sound principles of law and government are understood, and their forms established in any country, the mode of eloquence best calculated to produce a good effect will be that which is addressed to the judgment; and we have perceived that eloquence is a genus which may be diversified into variety of species.

From this general statement of our doctrine, we have proceeded to an application of it to our

own country; which we have found well calculated in these respects, and, I may here also add, in the native disposition of its inhabitants, to be impressed by these reasoning and argumentative modes of eloquence. Among the modern nations of Europe, these modes of eloquence have not obtained; and what is the reason? However elegant their manners, or sublime their genius may be, they by no means appear to have arrived at that stability of government, or at those perspicacious views of juridical truth, which characterise our own country. Thence we have gone on to examine how far the business and forms of our courts of judicature are friendly to the exhibition of that peculiar mode of eloquence, from which, although the coolness of analytical demonstration may form its grand constituent principle, the fervour of the imagination is by no means banished.

And now what conclusion shall we draw from this investigation? For my part, I solemnly protest to you, I have no other aim than to establish a right judgment, to exalt our profession in the estimation of its friends, and to secure it against the attacks of its enemies. Does the English bar furnish to the advocate no opportunities of a pleasing and animated eloquence? Must his mouth be for ever closed? his ear for ever shut to every sound of harmony? Are the causes that come before its tribunals

universally of so base a nature that they cannot produce any sentiment but that of subtlety or boldness? Is its atmosphere so truly Bæotian, that no ray of light can penetrate its gloom? If there be any ground for so foul an aspersion, let us, at least, endeavour to clear it away; let us demonstrate to the man of letters, of integrity, and of talent, that a British court of justice affords a fair field for exertion. But, I repeat, it depends upon the professors of the law to do this, and to wipe off an unworthy odium, which, whether it be founded in falsehood or in truth, will affect them with the world; and it can be removed only by an unremitting and universal example of truth, of honour, of urbanity, and of wisdom.

Having thus spoken of the offices of the imagination and the judgment in regard to legal eloquence, I will specifically, but cursorily, treat of those mental and personal qualities which are calculated to give effect to their influences. Nor, I trust, will you consider this as impertinent to our main design; for although I am aware that he who possesses a sound judgment will presently discover the importance of the particulars upon which I propose to comment, and which do in truth flow from it, yet it may not be wholly unnecessary sometimes to remind those of their duty who already know it; and to those who know it not, it cannot be too particularly displayed. Farewel.

LETTER XXIX.

THE judgment and the imagination are obviously the constituent parts of eloquence; without them nothing considerable will ever be atchieved by any man who may attempt to sustain the character of an orator, or, to confine the description to our subject, of an advocate in the British courts of justice: but these are silent and secret principles, and invisible to human investigation; they are discovered only through the palpable mediums of speech and action, and by the diverse characters that mark these ensigns of the internal state of the mind. It will not therefore, I hope, be displeasing or useless to investigate, for a few moments, the advantages that arise from possessing the talent of speech and action; the disadvantages that, on the contrary, result from the want of them, and the means by which they may be attained and improved. And, first, of the faculty of speech.

A man may have acquired by commendable industry vast stores of valuable learning, he may possess from nature a vigorous mind; but he may still want that faculty of speech which we denominate, properly enough, fluency: be-

cause such faculty is indeed no necessary consequence of those valuable qualities, and it is therefore important to acquire and improve it by actual labour.

True it is, that many of the most pleasing and important arts of life do not absolutely require fluency in order to attain perfection in them ; such are poetry, music, painting, the science of physic, and the profession of arms : the history of our own, and of other countries, abounds with instances of poets, musicians, painters, physicians, and soldiers, who have left behind them monuments of their genius, their learning, and their courage, that will never fail to excite the admiration of posterity ; but who have sometimes so miserably failed to express themselves in any thing like a series of extemporaneous language, as to excite no little wonder in the minds of contemplative men at this strange discordance between the powers of thought, and those of expression : on the other hand, there are professions, of a most excellent and honourable nature, in which the progress to eminence is retarded if not entirely stopped by the failure of the powers of extemporaneous eloquence.

Amongst these is to be numbered, in a very especial manner, the profession of the law : in the business of the courts, much depends upon ease and fluency of speech : two circumstances have

rendered this talent peculiarly necessary; the variety and the instantaneousness of the occasions: hence not only terseness and elegance are required from the advocate upon important and elaborate matters, but a quickness of expression also, calculated for short and shrewd debate; for you must have observed that there are numberless occasions, in the course of practice, in which a readiness of observation and reply have stood him in better stead, than all that the most solid powers of the judgment combined at that moment could perform. We are apt to be caught by that activity of speech, which, although, as it is often the talent of an inferior mind, is not to be regarded as the standard of great powers; but will frequently be advantageous and indeed necessary in the course of business. The minds of very few men are patient of long or thorough investigation, even where the thing in contemplation requires it; much less will it be endured where the determinate quality of the subject is lightness and velocity: for this reason, I have seen much impatience in a court where a man of superior understanding, but of a deliberative turn, and slow of speech, has been many minutes gravely combating the trivial position of some artful adversary, who, though his inferior in every other respect, knew he could conquer him in this: in such a case, to what end served his profundity: however valu-

able it might be on another occasion, at this moment no man attended to it but with pain and reluctance : where ten words of a gay and lively import would have abashed his adversary, and procured him a triumph, five hundred have been uttered with prodigious labour only to produce him vexation and defeat.

Again, in the examination of witnesses fluency is a very happy talent : many questions, very excellent and pointed to the matter in hand have utterly lost their force before all the words of which they are composed have entirely quitted the mouth of the speaker : the right of interrogation generally presupposes a degree of authority in the interrogator ; and authority is accompanied with dignity, and dignity produces awe in the mind of the hearer ; now authority is firm, and dignity is equable and easy in its terms : if then, a man invested with this authority of interrogation falter and hesitate for words, it is generally understood to be a sign of fear or weakness, which, when contrasted with the idea of authority, immediately produces contempt ; and he who contemns another will not often be very solicitous to answer his questions with care. It is true the dread of his oath or of the court may induce a witness to speak the truth ; but the common feelings of vanity in a man will not permit such a source, when it is the only

one, to prove very satisfactory either to the advocate or his client.

An interested witness, in the hands of a ready examiner, even though he be not otherwise a man of great parts, will frequently be surprised out of the truth which he had determined to hide: a number and variety of questions, running one on the heels of another, amaze and frighten him; he conceives there are multitudes yet behind; he concludes that all his secrets are discovered; he confesses every thing in mere despair.

Not such is the influence of the advocate who, with greater mental powers, is deficient in this useful and necessary facility; his judgment points out, with little difficulty, perhaps the questions that are proper to be asked, but by some unhappy influence, he has no adequate expressions at command: this very want of words, produces not only hesitation, but, in the end, questions full of words, and arriving with difficulty at the proposed point: while all this is preparing, what is the witness about? depend upon it he does not suffer this leisure to pass unemployed; he is framing answers, by which he may hope at once to elude confession and perplex his loitering examiner.

Here, therefore, every thing is lost; the truth, of all things the most material, the time of the court, and the reputation of the advocate; and,

what is extremely mortifying, in addition, false conclusions are apt to be drawn, and unjust distinctions made; for mankind will judge by what they see and hear: they seldom take much pains to dive into the internal construction of the mind; they are therefore delighted with that which is obvious to the sense; nor will they pay much attention to the propriety of their attachments or disgusts. It behoves men of understanding, therefore, to add some degree of embellishment to the judgment; not they alone, society is also concerned; their supineness may occasion great injustice to themselves and a very false notion of excellence in the world.

But it is not in the colloquial departments only that fluency of speech is necessary to the lawyer; in those elaborate addresses, of which an established practice produces numberless occasions in the superior courts, it is highly essential to possess the power of plenitude and variety of expression: to combine with these a close attention to the subject in discussion, is, indeed, the act of a master; but it is a possible act. Subjects of litigation are subjects in which the interests, the feelings, and the humours of men are concerned; he, therefore, who has the faculty of ready speech will be able to render even the harangues of business in some degree pleasing and interesting; and this is certainly very necessary, for notwithstanding the apparent selfishness of people in what

concerns their own welfare, it is not without difficulty that they bend a continued attention to a long and methodical investigation of it. A superficial man, even in cases of importance, if he possess liveliness and rapidity, will be often more welcome than the hesitating tedious man of judgment. Those observations that are casually made in common life are demonstrative rather of a general sentiment than of a particular opinion, and they are commonly true. How often do people say, when describing a speaker, "Why, to be sure there is not much depth in him, but then, he is never at a loss; he speaks charmingly; his words seem always ready!" On the other hand—"I cannot bear to hear that man: I dare say he is a very wise man; but he keeps me in constant pain; he seems always so much in want of words, that absolutely one expects he will every moment stop in the middle of his speech. I would rather give up my cause than be bound to hear that man speak frequently." Now I say this is a very common sentiment, expressed by the vulgar, indeed, but by which the wise man is not wholly unaffected; and, perhaps, I shall be forgiven if I say, that it is not by the suffrage of the wise alone that the advocate rises in his profession.

I shall be under no pain lest you should mistake me as laying down these general observa-

tions as true in their own nature; when I said they were true, I only meant in the light of expressing a common opinion. If I were to be asked whether I preferred the superficial lively man, or the slow man of judgment, I would answer, "If I consult my ears and my imagination, the former; but if I appeal to reason, the latter." This question, however, would only arise upon the ground of the impossibility of the union of the solid and the lively talents; a principle by no means incontrovertible.

Besides, there is another advantage attending this faculty: men who have accustomed themselves to speak with fluency generally know better how and when to conclude than their tardy brethren: for it is not universally true, that those who speak with pain are in haste to make an end. Persons who are conscious of any defect, are usually very industrious to convince the world that they do not labour under it: the advocate, therefore, who has every word to seek, will prolong the search, to convince his auditory that it is needless; this is art; but, acting more from nature, he continues to speak, because he continually finds he has left much unsaid; in short, he sees the point at which he ought to aim, but knows not how to get at it; he has just ideas of the subject he is handling, but the adequate expression eludes his grasp. The ready speaker, it is true, is apt to

talk, because he finds it easy ; but then he has, perhaps, some jealousy of reputation about him ; and when he has said a remarkably good thing, will leave off that he may not injure it. Thus contrary is the effect from its apparent cause ; but in reality both the one and the other of these effects participate in the same nature, and spring from one common source.

It remains now, to shew that fluency may be acquired and improved ; and then to speak of the methods by which this desirable end may be attained.

As to the first of these propositions, I am aware it may be objected, that in our own age we have had several great lawyers who have not been remarkable for their powers of speech : I will grant this, and add too, that their names will be ever had in most honourable remembrance : and it may be further said, that if these powers had been of great importance, or could have been attained, they would not have been neglected by these noble characters : but, without remarking that the fashion of the age in which some of these men have lived may not have been very friendly to eloquence, I answer, that, on the other hand, many exalted legal characters within our own remembrance have derived no small proportion of their fame from this source of elocution, and have laboured in its cultivation as though they were convinced of

its importance: here then we stand upon equal ground: but we do not stop here; from that which has been done, a positive consequence may be drawn; but that which has not been done is a mere negative, and can furnish no proof: plainly then it appears, that if the human mind has, through any medium whatever, manifested certain powers in one instance, every being that partakes of the same nature may be supposed to be capable, in some degree or other, of similar powers; and if the exertion of those powers has in one instance been considered as an excellence, why should it be thought unnecessary in another? Upon this principle it is we see that when men become gregarious in various classes, the individuals of each class possess in common, similar arts and turns of manners, the possession of which arises not so much from any particular innate talents, as from the influence of birth, education, and other fortuitous circumstances; and which the individuals of another class, who are engaged in different pursuits, might have possessed as completely, and have exercised as successfully under similar influences.

Fluency of speech I conceive to be an art, and, like any other art, it is to be acquired by observation and diligence. The faculty of uttering sounds is a native property, and cannot be acquired any more than a certain tone of voice, or height of figure, or any other incident.

of the animal œconomy ; but to speak quickly or slowly, in this or in that key, is as much a mode as walking or running, opening or shutting our eyes, or performing any other mechanical movement of the body. The powers of the mind are, in their own nature, strong and active; its inclinations, on the contrary, are usually averse from much exertion ; but the powers are its native properties, and are derived immediately from the Deity ; the inclinations are modes, and may be gained or lost by the influence of a thousand external circumstances. Now, many of the qualities of the body depend not so much upon the powers as upon the inclinations of the mind ; and, among others, this mode of speech which we call fluency : when the sluggish mental propensities prevail, they are manifested by a thousand slow and heavy movements of the body : and if there be no motive to greater exertion from interest or emulation, they will, in time, form a rooted and inveterate habit.

On the other hand, place a man thus under the dominion of inertia, among persons whose minds are active, or once make him clearly perceive that his interests are at stake, the powers of his mind will slumber no longer ; they will burst the bands by which the inclinations have bound them ; and when once thoroughly roused, they will induce activity of motion, speech, and every other action of the body : were this

universally the case, all men would be active, but in different degrees, according to the different proportions of their mental or physical strength.

But a less obvious motive than any of these will produce this change of modes. Let a man who is, as we usually say, naturally slow of speech, move a considerable time among men of a lively expression, and he will insensibly acquire corresponding habits; this may be improved, as in the preceding instance, up to the extent of his mental activity.

I do not say so much on this head, because I have any public or very strong argument to oppose, but because I would meet private scruples, and remove, if possible, private prejudices: I have not, therefore, enlarged beyond what this end appeared to require; I have not even accounted for the separation of the powers of the mind from its inclinations; this is a most obvious distinction: suffice it, therefore, to say on this head, that these powers are not easily disordered or injured by external circumstances, because the connection between them is of a distant nature; but the inclinations and modes of manifestation of those powers are subject to the continual influence of such circumstances, because they have a close relation one to another.

I come now to speak of the methods by which

facility of language may be acquired; and upon this subject little need be said. The methods by which knowledge of every kind is acquired are as various as the opinions of men; some general principles may, however, not altogether uselessly, be laid down, which may be drawn out, as occasions happen, into particular rules.

In the first place, frequent observance of the best models will be very useful: by attention we shall, in time, imbibe a degree of the same liveliness of expression which we perceive to be so agreeable in them: nor will it be wholly unnecessary to turn sometimes toward those who labour under difficulty of speech; by an accurate contemplation of those characters, we shall perceive the errors we are to avoid, and how they are to be avoided: perhaps a man of this description may possess just sentiments and correct language; but, from the hesitation with which he proceeds, he continually draws the feelings and attention of his hearers, from the subject he is investigating, into his own embarrassments: another is continually mutilating the sense and weakening the force of his own arguments by inadequate or distorted epithets: a third is ever violating the principles of grammar, merely because his attention is occupied and confused in pursuit after words: these and

every other inaccuracy, arising from this cause, must be marked with a careful thought, and registered in our memory.

Secondly, mix, as opportunity may offer in conversation with men of wit, where the reply is quick, and called for at the moment: in engagements of this nature good sense and politeness will prevent immoderate warmth, and you will remember that you are in a school of language; that you are fitting yourself for greater exercises; that you are, as it were, anointing yourself for the combat: do not lose sight of this; otherwise you will be in danger of carelessness, and, at length, of dwindling down to a mere fire-side conversationist: yet, on the other hand, let no tone of declamation proclaim your purpose; it will produce you infinite contempt.

Thirdly, accustom yourself, when you are alone, to state cases, to raise objections, and solve them; to examine witnesses, to propose questions, and answer them; from these let others arise; then examine your question, see where it might be shortened, how it might be rendered more pointed: thence rise into some elaborate argument; dart upon some objections; discriminate, reason, declaim; omit no particular in which you may try your strength in the facility of language. In short, be very frequent, when thus alone, in the repetition of these exer-

cises: carry also into your retirement the faults you have observed in others and in yourself in this respect; there see how you could have given animation to this or that sentiment, and strength or beauty to this or that period: recollect the examples that have occurred to your observation in the course of the day, which you would wish to imitate or avoid in this particular; preserve those various turns of speech that have communicated an enlivening vigour to the attention; imitate them; endeavour to excel them; at all events impress them on your memory: you will thus by degrees awaken dormant powers that you never suspected you possessed; you will attain to an excellence very important to you in its own nature, but of which, perhaps, you never dreamt.

I might extend the number of these rules; but those that have been mentioned may be regarded as a very sufficient specimen. In my next I shall treat briefly of correctness. Adieu.

LETTER XXX.

THE correctness of which I now speak is not confined to the preciseness of grammatical rules, it extends itself over every department of elocution; it is seen in every expression of the successful legal orator; it will influence all his positions, statements and deductions; it will produce that continuation of order and connection throughout his arguments, which at once pleases the ear and tends to influence the judgment.

Even in general declamation, it will become the orator to convince his audience that he has some particular aim, and that he remembers it. Nothing is more disgusting to persons of sense than a rambling, unsettled effusion of words (usually engendered by ignorance or affectation), even upon subjects that no way affect the interests or the reason of mankind: but when we attend to a person who is to argue upon topics in which numbers are concerned either for themselves or others, in which the mind is waiting, as it were, for the elucidation of some obscure or apparently doubtful principle, wherein the property, or reputation, or life of a fellow-subject may depend; it is not to be born that,

by the incorrectness of his language, the confusion of his sentiments and arguments, he should involve every thing he presumes to touch in the clouds of obscurity: little does it boot that his ideas, when they are analysed in the closet, are found to be just; the time of deliberation is over; in the hour when it was wanted, the light was not to be had; wrong may therefore have been done which cannot now be redressed; and, at all events, if the wisdom of the judge has rectified the folly of the advocate, or averted its consequences, this cannot often be repeated, nor, in truth, will there be occasion; we are not usually fond of employing those in the management of our concerns, who, however wise and learned, are, nevertheless, unable to give a clear and satisfactory account of them.

There is a greater art in the correctness I mean than is generally imagined: this will presently be found to be true if we consult our daily experience. Even in books, written by men who have an established name for learning and ingenuity, that are the consequence of much previous study, and that are composed in the closet, where the mind and the body are abstracted from the influence of those external circumstances that are apt to agitate and discompose them; in books, I say, thus written, is this correctness frequently sought in vain: how

much more difficult, then, must it be to attain to and preserve it amidst the contentions of the forum, with no other time for reflection than the present moment, and no other mode of communication than immediate words: yet difficult as this duty may appear to be, the performance of it is indispensable to the advocate.

I shall confine my observations upon this subject to two points; first, a correctness in language, and, secondly, in general arrangement: and I will here repeat, once for all, the maxim which I have more than once inculcated; you must supply by your own reflection what I omit; and this is doubly necessary, as I may, through my own incapacity or want of foresight, pass over material observations, and the like may happen from intention, that you may be induced to exercise your own judgment and discretion, and not wholly depend upon mine.

First, with respect to language. The world has a claim upon those who are nursed in the lap of learning, not only for greater knowledge than ordinary men are supposed to possess, but for language suitable in its correctness to the pains that have been bestowed upon their education; the barrister is this character, and he is bound to satisfy this claim: I speak of it with more solemnity, perhaps, than the occasion may seem to warrant; but it appears to

upon this case? Let him not form another case from his own fancy or inclinations. Is it his intention to explain? Let him use the plain and nervous language of explanation; let him not mingle with it, by fits and starts, the terms of expostulation or intreaty: in short, he must be able, not only to assign to ideas and expressions their proper place, but their proper force also; so that they whom he addresses may not be harassed with an endless confusion of misapplied terms and inadequate ideas.

Every man, in stating the circumstances of a case whereon he is presently to argue, must remember that he is telling a tale with which he is no way related but as the organ or medium whereby it is made known; nor ought he to consider the task as a humiliating one: the most animated and sublime of ancient orators was no less remarkable for the clearness and simplicity of his statements, than for the strength of his reasoning, and the brilliancy and power of his declamation: the advocate will not, therefore, despise the plain and simple character of a relator of facts: but this character is presently changed for one of a more interesting nature; he comes forward ready to review the circumstances which he has been stating, to comment upon them, and to shew them in their true colours: he is to reason upon them with coolness and discrimination, and to draw from them

such consequences as may best suit the purpose of his argument : here it is that he is to be particularly clear, not confounding facts of one description with those of another, but assigning to each its proper place, and assisting, with all his art, truth in its natural operation.

Upon a cursory view, this may appear to be no difficult task, but, judging by experience, we shall be inclined to doubt whether it be quite so easy as it has usually been thought. I have already observed that many learned books have been written which have failed in this essential quality of clearness ; much more forcibly does this appear in common life, where we cannot find, in one instance out of a hundred, a man or woman (I speak even of the well educated part of the species) who, either by a letter, a method that allows time for reflection, or in conversation, where the imagination is compelled to act a quicker part, can continue a relation of circumstances of any length with accuracy and precision ; much less are they able to follow any statement with a chain of perspicuous and well adapted reasoning : if such be the case, it appears as if this useful qualification were either the effect of great application or the gift of nature : in truth, it depends upon both ; upon the latter for its existence, and upon the former for its improvement : and herein it differs from that correct-

ness upon which I have observed as belonging to words or language alone ; that is a mode, and may therefore be acquired *ab initio* ; this relates to the native powers of the mind that are almost diversified without end in different characters.

The means by which this power may be improved must necessarily be similar to those whereby the improvement of all other arts is effected : in this respect it becomes as much an art as any other mechanical attainment : observation and labour will do much, and in the exercise of these let the best models be consulted, and the best parts of those models be applied to our purpose : above all, I again recommend private exercises : if they are neglected, the efficacy of observation will be materially weakened ; it is to them, combined with reading and remark, that we must owe every solid acquisition. It does not become the character of a British advocate to be without style or arrangement ; he has, indeed, a right to make use of the examples that are before him to assist him in his work, and his attention to them will be meritorious ; but still the work should be his own. Every man of genius thinks, and he fashions, perhaps, many modes of thought by the models he delights to contemplate ; the original idea, however, is his own ; it arises from views and combinations, in the formation

of which he is assisted by no exterior power : thus let your style, your arrangement, (the ensigns of your internal powers), however strengthened they may be by application or improved by art, be still your own ; let them be marked by that native simplicity and clearness which ought to characterize the formation of your mind : and this nice distinction is not to be understood or practised but by continual exertion which cannot be made in public ; it must be made in your own study, where, retired from the face of day and of the world, you must apply all you learn, and establish all you acquire.

It appears then, that correctness in language is a model, and that it may be acquired by art and industry, even by a moderate capacity ; because more than the ordinary powers of the mind are not required for the necessary exertion ; that correctness in style and arrangement, which I have called clearness, originates from some extraordinary power, which depends not upon human exertion, and cannot, therefore, be gained ; but the comparative degrees of it, which we call improvement, may be acquired by application : both are necessary in the formation of an advocate, but both are not necessarily connected : certain it is, the language of a speaker or a writer may defy the scrutiny of the most rigid grammarian, while the sen-

timent it is intended to present is clouded by the obscurity of a perplexed style, or the confusion that arises from neglect of arrangement.

To denominate things by terms expressive of their intrinsic qualities, to keep distinct those ideas that are naturally separate, to discriminate between causes and effects, are powers that seem to be essentially necessary to the success of a speaker who is appealing to the reason and the judgment ; for how can he who himself understands or expresses not clearly the subject upon which he is discoursing, expect to recommend it to the attention, or press it home to the conviction of others ?

The topics that have been embraced in this letter seem naturally to lead to the discussion of another closely connected with them, and in which indeed they seem very naturally to terminate — compression ; but this, both from its importance and the length of this letter, I will reserve for my next. Adieu.

LETTER XXXI.

COMPRESSION in almost every department of eloquence, but especially in forensic elocution is indispensably necessary ; it is direct evidence of a vigorous understanding ; it saves the time of the court ; it enables the judge to get at once at the case before him ; in short it is the very life and soul of business.

You who have had some excellent opportunities of attending to our public speakers, must, notwithstanding your youth, have been struck, on many occasions, with the great power and utility of this art : you must have discovered that elegance of phrase and roundness of periods have possessed no charm when they contained little more than mangled and disjointed members of the information you were seeking.

It is not necessary, however, to dwell on the importance of compression, but an observation or two on its nature, and on the best method of attaining it, may not be useless.

It has no necessary connection with that dry and abrupt style which some affect, who, from a perverse or uncultivated taste, confound the ideas of eloquence and loquacity ; nor has it any inseparable connection with the length or bre-

vity of a speech, since it is clear that these are but relative terms, and that a speech of two hours may be felt to be short, whilst a speech of half an hour may be insufficient from its tediousness and length.

It excludes no circumstances, however numerous, that are necessary to the complete statement of a case, nor any illustrations, however apparently remote, that are required to give that case its full effect on the mind and understanding of your auditory ; but it prevents idle digression, and wild unconnected observations ; it excludes all topics but those which have a clear connection with the point at which the speaker ought to aim ; and these it so arranges that they preserve a continued tendency towards that point, and the speaker consequently retains complete possession at once of himself and of the attention of those who hear him.

To the attainment of compression, independently of the general application of good sense, a particular and continued attention to the best speakers will be necessary, and I would also recommend a careful perusal of the works of those writers, and especially of the judgments and arguments of those judges and pleaders who have been the most highly distinguished in this respect : but above all, let me impress upon you the importance of a thorough acquaintance with the facts of your case, and a clear comprehension

of the principle of law by which you mean to argue that the decision upon it ought to be governed; without this you will in vain endeavour to arouse attention; your nicely-selected phrases and harmonized periods will be regarded as empty strains; your studied illustrations, at the best as elegant impertinence; and you will presently find yourself bewildered in a labyrinth of impotent reasoning and unmeaning sounds.

I have omitted much on this important topic, but like many other instances in our correspondence, I mean the hints I have dropped merely as incentives to that thorough prosecution of the subject which your good sense will naturally dictate. Adieu.

LETTER XXXII.

I AM now to speak of action; and, to say the truth if I had no other aim than to lay down rules for the exercise of this mechanical art, I should have passed it by entirely, referring you only to those writers who have already said so much upon the subject; but I have another end in view: I have endeavoured to raise the principles of legal oratory in your esteem; it is, therefore, fit to dwell for a moment upon the

consequence ; namely, that action, being a natural branch of the general science of eloquence, is of importance when considered with regard to this particular department, the eloquence of the bar.

First, then, let us consider the nature of the action of which we are treating ; secondly, what degree of it arises out of the circumstances peculiar to this legal species of elocution ; and, thirdly, how it is to be exercised.

First, the action of which we speak does not appear to be confined to the position of the body or the disposition of the limbs : these, it is true, are very prominent characters of it, but it extends itself to the minuter members ; nay, it is displayed in the various turns and casts of the countenance which arise from the circumstances of the occasion. When, therefore, we say of a speaker, " He is full of action," we must extend our ideas beyond the movements of the head and the trunk, the arms and the legs of such a man's body ; we must remember that he has a countenance which is capable of a thousand changes ; that he has an eye which, by its action, is equal to a thousand oral expressions : that by the lifting up his figure in this or in that manner, he may present to the mind a very strong and accurate idea of action ; nay, that in the minutest agitation of the muscles, this

idea of action may be clearly traced by an experienced and acute observer.

Secondly, we proceed to the more important investigation of the question, what degree of this action arises out of the circumstances peculiar to this legal species of elocution: in some of the preceding letters it has been remarked, that the circumstances which give birth to the eloquence of the bar are of a nature particularly interesting to mankind, inasmuch as they may affect the life and other possessions of men upon which they are apt to set a high value, and that, in a peculiar manner, they are important to the inhabitants of this country, to whom those possessions are rendered very dear by the security and liberty with which they are enjoyed; and amongst whom, consequently, the violation of them excites sensations of a nature more than ordinarily anxious and severe; and as it is of the British courts of justice alone that I am speaking, I must be understood to mean the eloquence peculiar to the British bar, when I speak in general terms of legal eloquence.

When, therefore, matters of so high and sacred a nature are investigated, the mind cannot remain wholly unaffected; that investigation will produce strength of reasoning and zeal of argument that cannot but demonstrate themselves, wherever they exist, by action.

Is the judgment of a court of justice upon a

litigation of right or property, about the regulation of which the wisdom of ages has concerned itself, of no greater moment than the conclusion of a common bargain? Is it to be sought or avoided with no greater anxiety than men usually manifest in the transaction of their ordinary affairs? Does the advocate treat it as a mere matter of business; and, satisfied with the fee he has received, seek to get rid of one brief as fast as he can only to get another? Impossible! Men of education, of sense, of honour, must have other sentiments and other feelings! They cannot but remember, that as Englishmen, in pleading the cause of the individual, they are investigating the spirit of laws that regulate the rights and properties of millions: they must recollect too, that they themselves, or their friends, or their posterity, may some day be involved in the consequences of their own arguments: with impressions such as these, the advocate must feel and speak like a man deeply interested in the event of the depending cause; and these impressions must operate upon every man who takes this view, which I conceive to be the true one, of the profession of an English barrister.

This being the case, action will accompany the speaking of the orator: and this action will be commensurate in its expression with the importance his subject has thus derived: he will

have the task assigned to him of relating a story; of extricating its circumstances from embarrassment; of detecting art; of exposing falsehood; of establishing principles of truth, and examining and overthrowing those of error: of applying general doctrines to particular circumstances, which are as various as the uncertain state of human affairs can render them: will the execution of a task like this arouse no sensations of the mind? Will it require no exertion of its powers? Will not his countenance, by its various expression, demonstrate the feelings that by turns reign within? surely he will not want the chimera of imagination to arouse these feelings, and to produce this action; the nobler powers of reason and of truth will provoke them in his nervous appeals to the judgment: the laws, the rights of his countrymen, will never fail to awaken in the breast of the advocate that manly enthusiasm, which, perhaps, loses none of its real power by being corrected, and which will never permit him to exhibit a tame, insipid manner; his breast will beat high, and his visage will glow with a noble emulation.

It is with some reluctance that I confess our legal orators, have been held, as a body, in some contempt for the poverty of their action; but that will affect me very little. I want to shew you, that the business of our bar, when properly understood, will naturally warm the advocate to

animation; that it must produce corresponding action; and if my argument depends upon example, and I can bring only one instance in support of it, that one will answer every purpose: But I am not so reduced; even in our own day we have more than one example that legal eloquence is not of so insipid, so sterile a nature; that it is not incapable of embellishment from genius, or of enlivening the action of the speaker.

Thirdly, how is this action to be exercised? I am ready to allow, that there is not, in this modern species of eloquence, room for the excessive action which marked the enthusiastic and beautiful harangues of some of the ancient orators; we appeal not to the gods, we swear not by their works: these appeals and these oaths were introduced in a bold, yet artful manner, by men who had to govern an unsteady, ignorant multitude, or to sway the inclinations of a superstitious or despotic breast; and with these, violent action was but an apt expression of their extravagant ideas: but I have already shewn that the object to be impressed is a totally different one; different means must therefore be made use of: formerly the imagination and the passions chiefly formed this object; it is now principally composed of the judgment and reason.

It has appeared, that in the endeavour to impress the judgment, the mind of genius will be naturally warmed to animation, and that that

animation will produce a corresponding action: now as the judgment is of a determined, equal, and dignified nature, such will be the nature of the speaker's feelings who addresses it; and such also will be his action: he will not perhaps stamp frequently with his foot, he will, not often smite his thigh, he will not continually stretch out his arms to Heaven; but his face, his eye, his voice, will vary into a thousand expressions, consonant with the sensations with which a love of truth, and a desire to defend it, a sensibility of right and of wrong, of reason and of injustice, can never fail, to impress an ingenuous mind.

Almost every thing, however, must be left to the influence of such a sensibility, and to the circumstances that give birth to the exercise of it. Particular lessons may be useful in a degree, but they are already numerous, and I have little inclination to swell the number; suffice it then, upon this head, to say, that a particular attention must be paid to the occasion. In what are usually esteemed light and trivial matters, would any man of sense attempt to display immoderate agitations? Great changes of the voice therefore, and great variety of action, would be productive, in such a case, of no pleasing consequences: on the other hand, is it not intolerable to behold a man stand like a statue while he is addressing a court of judica-

ture whose attention has been raised by the novelty or importance of the occasion? At all events, the excess of inactivity has ever a more hopeless and disgusting appearance, than any extravagance of action into which it is possible for a young man of talents and genius to fall.

And it may be further observed of these two evils, that increasing years, which correct the impetuosity of youth, confirm its habits of inertion; but they may both be avoided by care: and the more I reflect on my subject, the more strongly am I convinced, that the eloquence of the English bar will afford ample opportunity for elegance and strength of rhetoric; and for that variety and boldness of action, which to loftiness of sentiment, and profundity of reasoning, naturally incite a vigorous mind.

I am aware that, in a subject of this nature, men are governed by the fashion of the times, the opinion of the hour, and the prejudices of national character: but strong as the influence of all these undoubtedly is, genius and good sense are able to moderate if not to overcome them; and I cannot think, that because it is the character of the English to be sedate, that every Englishman is bound to cultivate a disgusting obtuseness of manner, to justify the erroneous opinions that have been formed of the heavy propensities of his country.

LETTER XXXIII.

THERE are many qualities that serve to embellish science, and to recommend it to our approbation, which, though they may be considered, strictly speaking, as having no immediate relation to it, still deserve the attention of those who are ambitious to excel in whatever they undertake.

Manner is that invisible quality which insensibly prevades, with the happiest effect, the works of pure genius. It animates the pencil of the artist, the pen of the poet, and the sentiments of the orator; it spreads an inexpressible glow of charms over every effort of art; it communicates a peculiar sweetness to the keenest truths; an air of majesty to the simplest figures: it allures while it awes the mind; it speaks a language that no power but itself can express, and is that attic fire that enlivens every object to which it communicates its influence: in the public speaker it is more immediately discerned than in any other character; consequently in him the want of it will be more easily detected.

Of that which is in its own nature incapable

or difficult of description, it is no easy task to point out the modes of acquirement; for in doing this, reference must be had to sensible objects, which are not always fair and accurate marks of comparison. I am very sensible of this difficulty; but as I am anxious that you should embrace every principle, and cultivate every acquisition that can facilitate your progress, and add to its respectability and usefulness, I would not willingly omit to present you with a few hints upon this important subject.

I will shew you in a few words what manner is not and upon what it does not depend: it is not, as you will easily conceive, what is vulgarly called good manners. An accurate observer of life will have perceived many instances of men who have gained from education and habit very just ideas of the proprieties of behaviour, and have carried them into practice, who have yet not possessed that subtle quality called manner, whereby the mind is won to complacency while it considers the possessor of it as a person of superior endowments: if this be true, that manner does not depend upon those arts of common education by which good manners are usually acquired, in vain will it be sought in the school of the dancing master or in the restrictive lessons of academies.

Having thus satisfied ourselves in the negative part of our enquiry as to manner, we will proceed to the affirmative part, and see how far it is in our power to attain or improve it.

It appears to be a quality arising from some internal influence, and cannot, therefore, perhaps, be absolutely acquired; but that it may be improved appears by the same reason that governs the improvement of all similar qualities, and by the same means. It communicates itself by a thousand mediums to the action of the speaker, even in the most minute particulars; it may be seen in the countenance, in the movement of a finger, yet it cannot be well designated by any single action, or by any peculiar mode of action. It is felt in the tones of the voice; yet any particular sort of expression will not be adequate to the description of it; it is indeed an indescribable combination of ease and dignity; it mixes with and elevates the character without seeming to form any determinate part of it.

It possesses one certain principle, but its appearances will vary according to the original character with which it is assimilated: hence the difficulty of laying down rules for its government and adaptation, as far, at least as it is to be manifested by any exterior signs; it must, therefore, be left to nature and a nice observation of superior characters.

I must have been in your low surprising in

effect this will have upon the pleading of a British advocate: suffer me for a moment to point out some of the advantages that will necessarily follow its cultivation.

It will give you that manly, independent air which every public speaker ought to possess, and which is peculiarly necessary to an advocate in an English court of judicature. With what force do those arguments impress us that are delivered with the confidence that ought to attend the conviction of their truth: but a conviction of this nature does not necessarily produce this manner: how many fine sentiments and noble ideas die away upon the nerveless tongue: or if they escape from the ungracious coldness of the speaker, yet how encumbered, how enfeebled!

Manner will animate and preserve the genuine character of that enchanting modesty of which I have before spoken, which is, indeed, its constant companion: by this it was that the ancient orators were adorned; this it was that added power to their graces; and which they have so strenuously recommended to those who would tread in their footsteps.

They who cultivate manner will banish from their eloquence all pedantry and affectation of expression; it is also utterly inconsistent with that bold and impudent character, which would tire every ear with its clamour, and disgust every

mind with its arrogance ; in short, it will exhibit nothing that is inconsistent with the best qualities and the most pleasing appearances of our nature.

I have given you but an imperfect picture of what I have been anxious to paint with the strength and minuteness of truth ; it may nevertheless excite you to consider the subject more carefully than you would, perhaps, otherwise have done ; and I doubt not but you will see that I have justly desired to recommend it to your attention. Adieu.

LETTER XXXIV.

IN my last letter I treated upon manner, which I considered as a quality scarcely to be acquired in the first instance : I remarked that it matured in proportion only as it was cherished by enlarged sentiments ; it may be, therefore, not immaterial to consider how far the habit may be gained of accustoming the mind to bend and concentrate its powers towards the investigation of subjects, whereby it gradually obtains the strength and expansion necessary for the consummation of legal eloquence.

A little mind is obviously distinguished by its continued association with cares of a trifling nature, which, by imperceptible degrees, acquire an ascendancy, and at length appear before it in a false light, and clothed with an unreal importance: thus secured in their possession, they communicate their debasing influence, and confine the faculties of the mind to a very limited sphere. This will appear in every sentiment and in every action of the man who is thus enslaved; and the only distinction that can possibly exist between the view of this character, in private, and the contemplation of it in public life, is, that in the latter it will be more conspicuously contemptible.

It must be considered, therefore, as a circumstance of peculiar infelicity when a man who has to sustain the character of an advocate in the courts of justice of a free and enlightened country, and in an age too of great political and philosophical refinement, has permitted his ideas to range into no sphere beyond that in which he himself has moved; when he has contemplated no situations but those of his own confined circle, and investigated no system beyond the technicalities of business: from such circumstances what unfortunate consequences will not ensue! Irregular positions, unjust conclusions, uncertain notions of truth, and mutilated con-

ceptions of justice are evils of no inferior kind, and very closely follow this state of mind.

Now it must be considered that these consequences, in the majority of instances, are the result rather of negligence and other extrinsic circumstances, than of a natural or internal debility: this the experience of every day most clearly proves, and therefore it calls strenuously for the corrective, or, which is much better, the preventive hand of care; since, if habits like these are once permitted to gain a strong root in the mind, all superiority of excellence will be lost for ever.

It follows, generally speaking, that the mind is exalted to greatness, or degenerates into littleness, rather by the force of habit than by the inferiority of its intrinsic qualities; though the various degrees of its degeneracy or exaltation are, perhaps, influenced by the latter: it seems also, that the mind has capacities for superiority, but that these capacities do not appear, because they are not rightly improved. Let us apply this doctrine to ourselves and our own minds; let us see how the aptness to exalted rather than to base ideas, is to be improved.

In the first place, we must look out of ourselves, and learn to consider that our opinions and our estimation of things, however we may be able, as we imagine, to demonstrate their

truth, may, in many cases, be justly questioned or rejected by others : I speak not here of the grand and immutable principles of truth and reason ; I speak of conclusions drawn from laws and notions which are calculated only for local operation, and which have arisen, perhaps, from political necessity, from accident, or from design ; these we must examine with the understandings and opinions of other men, if I may so speak, as well as with our own ; and we shall then find that many of those doctrines which were once admirably calculated to answer certain purposes, and were entitled to support and veneration, are become, from a variety of accidents, no longer worthy of our consideration : their truth or their falsehood is now of equal indifference ; and we shall conclude that it is therefore at once the interest and the duty of men to expunge them, if not from their records, at least from their memory.

By views of this nature, applying them to legal institutions, we are led to trace the strong but secret connection that subsists between the particular laws of the various classes of society, and the general character of mankind ; we are taught to distinguish between the genuine spirit and the technical subtleties of law ; and shall be enabled to render an essential service to the community of which we are members.

The eloquence of the advocate will also, by

these means, receive great advantage : accustomed in the study of the British system of jurisprudence to examine its minuter parts with an accurate eye, to combine therewith reflections upon the circumstances that gave them birth, and to analyse the relation they bear to other systems of jurisprudence, and to the more noble and elevated laws of nature and of God ; his eloquence will possess an unusual interest ; he will produce order where all before was chaos ; simplicity and beauty will, under his direction, expel and supply the place of doubt and deformity.

To ascertain the value of these powers, look but for a moment upon the opposite character. Short-sighted, ignorant, and confused, he is continually labouring to attach ideas of importance to the most insignificant events ; with a countenance of busy importunity he is explaining the clearest principles, and dwelling upon the most obvious maxims ; his manners and his language will be appropriate to all this ; low, pert, loquacious, and disgusting : still he proceeds ; and if, by some fortunate mistake of his opponent, or subtlety of his own, he gain a verdict or a decree for his client, all is well ; though the event be adverse to every principle of justice and every dictate of common understanding.

I shall be happy to find that I have been drawing a character after my own fancy rather

than after the life: it is, indeed, unworthy of the English bar: but suppose that only one such ever existed, you would not choose to be that one. Strive, then, to expand your mind; to acquire a general aptitude to ideas of a superior nature; learn to consider yourself, your family, your country, its laws, and its government, but as the parts of one stupendous whole: meditate upon the various proportions and relations that thence arise. Study their agreements; view their consequences, and learn to estimate their real value. What grandeur of sentiment emanates from the mind of the man thus employed! What a combination of strength, simplicity, perspicuity, and elegance characterize the eloquence of that pleader who rises to such elevated sentiments!

If it be urged, that, at the English bar, occasions seldom occur which will admit of these displays of knowledge, I deny it: they arise every day, not only in causes of importance, but in those of less concern; not only in the accusation or defence of the powerful delinquent, but in canvassing the rights of the meanest subject: but they are not discerned by the careless observer; and the fact, I fear, is, that the great bulk of mankind are careless observers. If it were necessary I could descend lower; I could say, that private life produces continual opportunities of displaying this excellence in its nu-

merous views and conversations ; I could say, there is no situation in which they would not arise from under the creative powers of an energetic mind ; I could say, they would appear, in some degree or other, in whatever has to do with men, and with the rights and properties and the laws of men. How often have we beheld subjects, apparently the most dry and barren, rendered fertile of exalted ideas ! Amazed, we have been ready to exclaim, " By what " magic power has this been done ? " On the other hand, let it be recollected, that the man of a limited mind has an irresistible tendency to throw a weight and an obscurity over the most brilliant occasions : however noble and enlarged the subject, he will invariably bring it down by degrees to his own narrow sphere of thought and action ; till, at length, the whole is dragged from the labouring comprehension into the thickened shades of confusion and night.

Let the advocate, then, leave to their deserved contempt those little views, those confined notions, which do but pervert the truth and obscure its influences ; which do but degrade the practice of the bar beneath the business of the most illiterate mechanic. By an industrious examination of our own minds, by a continued application to the study of the real nature and spirit of life and of law, by enlarging our contemplations beyond the contracted circle

of our own personal knowledge, by examining other systems, and investigating other notions, we shall raise the profession and the eloquence of the law to their proper standard.

Thus will the advocate spread a lustre around him in every stage of his progress: he will mark his eloquence, not only with correctness and fluency of language, with clearness of arrangement and grandeur of idea, but he will embellish it also with that manner of which I discoursed in my last letter: from the smallest cause to the greatest he will move and speak in a way peculiarly his own: wherever he appears knowledge will add to her admirers, if she does not multiply the number of her disciples.

I will here close all I mean to offer to your observation upon this branch of our general subject. If what has been said upon legal eloquence has, in any degree, stirred up in your mind an emulation to render your studies more worthy of the general approbation, I shall rejoice to have treated upon matters, however imperfectly, that bear an important affinity to the general study of the law, and to the real success of the barrister.

Certain I am, whether all my doctrines meet with your approbation or not, that the rules that have been laid down are essentially necessary to the formation of a lawyer; and I do not, in saying this, pretend to a more than ordinary

sagacity : these doctrines have been held, and these rules observed, by men in preceding ages, and in the present age, whose names no lawyer can remember without admiration : once more, therefore, let me earnestly beseech you to consider them well ; and if they meet with the approbation of your judgment, adopt them ; improve upon them.

There still lies before us an extensive and pleasing field of discussion ; and, from the encouragement you have given me, I proceed upon it without reluctance.

The subject upon which we will now descant is the connection that exists between the study of the English law and philosophy ; next, its connection with history ; and lastly, its connection with religion.

I do not know how these subjects may strike you ; for my part, were I to neglect them in a correspondence of this nature, I should feel as though half my work had been left undone : they appear to me to possess so great an importance with a view to these different relations, that the very character of which we are treating, depends immediately upon the rightly understanding and cherishing them ; and I have little hesitation to own it as my opinion that if the profession of the law has fallen at all in the esteem of the world, it has so fallen because its professors have greatly neglected the observance

of this salutary union : indeed, the thing explains itself ; the laws of England, both those which are written and those which are not, taken as a system, have their secret foundations laid in the great principles of truth and reason ; but their more apparent source, and, perhaps, of many of them the only source, is formed by local customs and temporary occasions, many of which are no longer known or remembered : now, if neither their secret foundations nor apparent source are known, or but superficially known, what a jumble of unconnected absurdity and irrational dogmas must they appear to be : and that they cannot be discerned but by an accurate and laborious eye, must be abundantly clear to the most cursory observation.

But for a moment's change I intend, if you approve, to discuss, in the next letter, the subject alluded to in a former ; namely, the age of a student's being called to the bar ; and then we will commence our proposed inquiry concerning the nature of the connection between philosophy and the English law. Adieu.

LETTER XXXV.

YOU seem to be glad that our philosophical inquiries are suspended, as you are in some alarm both at the studies I have already mentioned, and those with the embryos of which, as you express it, I am continually threatening you ; and this, not only because of their magnitude and variety, but from the doubt you entertain of having sufficient time to accomplish them : and you tell me, that, unless I point out the remedy, you are afraid you must either give up the idea of going to the bar, or remain content with an inferior reputation there.

Neither of these things must be the case : nature has done her part by you, and it only remains for you to make a good use of her favours : nor do I think I have hitherto been so sparing in my assistance as one would be induced to think from your doubts : an accomplishment has seldom been pointed out to you, without your having been presented, at the same time, with some means or other, by which you may be aided in your attempts to attain it.

The subject of this letter is the time of your coming to the bar ; a subject that appears to

have too little engaged the consideration of many persons who have ventured to become candidates for forensic honours, although I firmly believe that, from this circumstance numbers have been foiled and overthrown in their attempts.

To begin, then, with the age at which a man may, with propriety, appear as an advocate in the courts of justice; and then let a view of the advantage and disadvantage of observing or neglecting the rule follow.

It appears to me, that (generally speaking) any man who suffers himself to be called to the bar before he is five-and-twenty years of age, runs a great risk of failing in his design: I would not advise him to be advanced much farther than that age, but scarcely to be before it. And because this may alarm you, as losing too great a portion of your life in the discipline of instruction, I will enter more fully, than has been my usual custom, into a discussion of the subject; but there are a few propositions that must first be defined and settled.

In the first place, What is your idea of the managing or husbanding of life? I say of managing or husbanding of life; and I repeat these words because, in fact, thousands of sensible men pass through life without reducing or attempting to reduce it to any thing like a system.

Divide life into three parts ; dedicate the first to the acquirement of knowledge, the second to the exercise of it, each man according to his situation, and the third to the private intercourses of retirement.

These terms may be lengthened or abridged according to the particular circumstances of every one's pursuit : that is no part of my present business ; all I want to do now is to lead you into my views generally ; we will then apply them, as closely as we are able, to the proposition before us.

Of the life of a man who has a body adequately framed for the performance of all the animal functions, if he does not shorten that life by intemperance, we may reckon fairly upon a period of sixty-five or seventy years, which we have divided into three parts : now if this time be well managed, I have little hesitation to insist that it is equal to the attainment of every object this life is capable of affording to the enjoyment of a wise man : in that period he may acquire much knowledge, he may perform many duties, he may enjoy much rational pleasure, and he may possess no inconsiderable leisure for the most important of all his labours, the contemplation of himself : let us apply these propositions to our main question.

We have not differed in this, that the character of an advocate is an important one ; we will,

therefore, now take a view of the disadvantages that will attend the assumption of it at an early period of life : and this will of course include a correction of the error of beginning the legal studies at any age proportionably young.

A young man of the age of eighteen, or twenty years is supposed to have acquired as much classical learning as may be necessary, or, at least, as it is reckoned fashionable to acquire, and he thinks of becoming a lawyer ; accordingly he is taken from school or private tuition or college, and placed in the office of a draftsman or special pleader for two or three years ; with the forms of the office he very naturally becomes disgusted ; and with solid business he has formed little or no acquaintance : destitute of the courage, and, indeed, of the wisdom to chuse or reject for himself, he mechanically gets himself called, and considers the fame, or I am afraid in many cases the money only he is about to acquire as a full future compensation for the toil and barrenness of the past. At the age of one or two and twenty he puts on his wig, and pants for the awful moment in which he is to display his powers ; but alas ! no man is found who will trust him, young and inexperienced as he is, beyond a junior brief ; and after waiting some time for the expected opportunity of exertion, he either retires from the bar, and devotes the rest of his life to idleness or

to pleasure ; or, if he continue in his profession, loses, by degrees, every spark of emulation, and contents himself with his little fortune, and making motions of course.

We will, however, for a moment suppose, that, by the interest of friends or good fortune, his desire is presently gratified, and some cause of magnitude is trusted to his hands ; what a tremendous risk does he not run ! Does he succeed by a miracle ? His success excites more envy than admiration ; but this is a natural consequence, and time will obviate it. Does he fail ? What disgrace and confusion overwhelm him ! Can any thing, indeed, but failure be reasonably expected, when a man attempts a task for which he is utterly unqualified ? He has to reason, to discriminate, to persuade : and what are the characters upon which he is thus variously to operate ? Men of business, of experience ; upon whom the flowers of rhetoric, and the euphony of a well-turned period alone, make little impression ; yet language is the only thing the young orator has learnt : he is to speak of subjects belonging to the world, and as they are understood by men of the world ; he is to discourse of things as they are ; yet, he knows nothing either of the world or the things of the world : how, indeed, should he, when, excepting his father's house, his school, and his college, he has seen

nothing of it? But if this were not the case, the whole care of the pleadings and of the evidence, the very foundation of his cause, on which the whole interest of his client necessarily rests, depends upon him, and upon his accuracy and discernment in these most important and difficult points, his further reputation must hang with men who are quick and sharp-sighted in matters of business, and who pride themselves on their experience; with men of this sort, therefore, he will not, whatever his academic talents may be, have fair play; much less will the impertinences of self-approving youth be tolerated by the learned and august characters that sit upon the bench. The young man is reprov'd when he conceives himself to be uttering wisdom; he fails where he thought all was strength: he is unable to endure reproof in the character he has taken, and resolves, in the agony of impotent resentment, to run the risk of it no more. But I will here quit this disagreeable part of my subject.

I have mentioned five and twenty as the age at which a man may appear in the character of an advocate with the greatest propriety, and with a chance for all that comfort and respectability in his pursuit, which have been mentioned, and for that ultimate success, which will enable him to enjoy, in the last division of his life, the reward of his labours, in the ease and

privacy of retirement ; and the more I reflect upon the subject, the more firmly do I become convinced that I have not fixed upon too late a period.

In the first place, men's ears will be more open to him than at a puerile period of life ; he will meet the world, if the point of age alone be considered, upon equal terms : he has, by this time, attained some stability of character ; and this is obviously a matter of importance ; for it must be said of him who mixes with the world, that he is in reality, with regard to the world, that character which the world esteems him to be. In short, not having put the wig upon his head, ere the down upon his cheek has acquired the strength of manhood ; he will be regarded, in this respect at least, as a consistent character ; and if he fail, it will be only because nature or fortune have not formed him for success.

Secondly, by thus enlarging the term of his probation, he will be able, not only to engraft upon his mind every principle of useful knowledge, as to the learning of books, but he will have had opportunities for mingling with mankind, and thus acquire that varied acquaintance with the customs and manners of life, from the want of which the youth so often fails : his manner, his opinions, his language, all at this age have gained a mellowness and point that

seldom fail to arrest the attention. Not only are the asperities of youth softened, but its redundancies pruned; the faculties, without perhaps having attained maturity, are of a vigorous growth: his spirit, his energies, are animated by a chastised eagerness; like the horses of the sun, they are bursting from the reins by which they are restrained, but happily they are not under the imbecile hand of a rash and youthful Phaeton.

Thirdly, another advantage, consequent, indeed, in some degree, upon the former, which will attend this delay of your call, if delay it should be considered, will be the connection and reputation your talents will have procured for you in private life. At the age I mention you must have mixed in numerous companies; sometimes, it is to be supposed, of professional men: the topics discussed on these occasions have been various; but you have ever been ready, either to propose some system of your own, to elucidate that of another, to attack and overthrow a third. Your progressive excellence has been observed; and that will be the consequence which ought to be the aim of every man who is going to the bar; the world will be waiting for you, not you for the world; and I would further observe upon this advantage, that it is a double one; the means you

are taking to deserve success are the very same that will ultimately procure it.

Lastly, by making your public appearance thus late, you will have had the opportunities, and acquired the disposition to apply to some method of business which hardly ever occur, and which are not indeed natural to a young man on this side of twenty : these practical studies are indispensable, but they are, to say the best of them, not very inviting ; now by not entering upon them till you have attained to a ripened understanding, you will have left behind you all boyish dislikes ; and you will attend to them with diligence, because you see their necessity.

It would be a long task indeed to point out all the benefits which must arise to the most cursory observation from the delay I propose : I shall close this part of my letter, therefore, with observing, that if you agree with my general plan of legal education, the only opportunity you can possibly have of filling it up will be by dedicating every hour of your time before the age of five and twenty to preparation for your future labours.

The truth is, a childish vanity urges us to immature exertions ; we are in haste to shew ourselves ; but we are not always solicitous whether we are able to shew ourselves to advan-

tage. If the accomplishments I have mentioned in various parts of this work as necessary to the completion of the legal character, are important, suffer me to ask you, can they be acquired in a day? Evident it is they cannot; it must be the work of time. Patience and perseverance alone will entitle us to the possession of forensic honours.

The letters of this correspondence, both those which have been written, and those which yet remain, are, in some manner or other, connected with the subject of this. We must have some design in the use of life, or it will prove but barren and unprofitable. We must reduce our existence to order, and mould it into proportion, or, instead of a regular and beautiful edifice, it will prove a vast, unformed, and hideous mass. In short, if the wisdom of other men, or our own experience, do not guide us in the distribution of it, it will not be either useful, honourable, or happy. Farewel.

LETTER XXXVI.

BEFORE we examine the nature of the connection between philosophy and the law, it may be necessary to settle the idea that we mean to affix to the term Philosophy.

The ancients had certainly very just notions of things in many cases ; but the narrowness of their prejudices frequently prevented an adequate practice. Thus it was an excellent plan in the education of their young lawyer to imbue his mind with philosophical principles : but this plan was generally vitiated by the systems of philosophy that prevailed amongst them. It did not appear to have been considered that it is the essential principle of all sound philosophy to be of no particular sect whatever. This I apply to our own purpose, and to the times in which we live : and therefore describe the philosophy to which I would have you addict yourself, as the philosophy of the heart, not made up of rules and apophthegms ; but a principle arising from a clear and enlarged view of human nature, and inducing the mind to settled and determinate habits of virtue.

Instead, therefore, of becoming the pupils of this or of that master, and blindly devoting ourselves to the support or demolition of this or that particular doctrine of philosophy, let us have recourse to nature and to life : let us consult our own hearts, and appeal to our own understandings ; and then if, from the writings of those who have excelled in labours of this nature, we can draw aught that may clear the obscurities or unravel the perplexities that retard us, we shall do well to make use

of them : this is, indeed, the best use to which they can be put. I would inquire for a moment to what end do we become philosophers ? Is it to dispute in the schools ? Is it to exhibit to men singularities in speech, in behaviour, or in opinion ? He who has so learnt philosophy, will one day have to blush at his mistake. No, my friend, we have better views than these ; we have to correct our passions, to strengthen our minds, to ascertain our powers, to enlarge and improve our faculties ; in short, we have to acquire that dominion over ourselves by which we shall be enabled at once to understand and perform our duty.

This is the philosophy I recommend to your attention ; it is the philosophy of truth and nature ; it is not to be gathered from books alone ; it affects the principles of our motives ; it regulates our actions ; it is that internal and secret power which sets the man who cultivates it above prosperity on the one hand, and adversity on the other.

He who, in the pursuit of any science that depends on the superior powers of the mind, has neglected to cultivate philosophy, will never become a master : this I have little hesitation to say, may be received as a general doctrine, with regard to all those sciences that engage, as I have just before observed, the su-

perior powers of the mind, and particularly may it be applied to the law.

You will remember, in the first place, that I stated to you, as a point in the definition of this philosophy, that it would at once enable us to understand and to perform our duty; it is therefore the philosophy of life. Now I have repeatedly shewn you that there is a very intimate connection between the English laws and the concerns of life; and that, consequently, it becomes the province of the lawyer to consider and separate and define the most intricate of these concerns, and that, in the performance of such a task as this, he must necessarily have a continual intercourse with the passions and the prejudices that affect, in a thousand shapes, the human character.

If this be true (and I apprehend you will think there is little reason to doubt it), you will perceive that there is a connection already begun between them; for how can he possibly trace, with any degree of art or certainty, the intricacy of another's mind who yet remains ignorant of his own?

But there is another ground whereon this connection arises: the ultimate success of the advocate depends upon the depth and clearness of his penetration. It has been already shewn, that this quality, as to its first formation, depends upon nature alone; and also, that its degrees in ex-

cellence are determined by circumstances within our own power : what are these circumstances ? They are, as I have observed in a former letter, study and observation : Of what ? not of the law, for that is not a subject necessarily implicated ; but of man in his various characters and situations. And what will enable us to pursue this study and observation with effect ? I answer, Philosophy ; the philosophy which has just been exhibited to you ; since from that alone can be acquired that calmness of mind which is indispensably necessary to him who would penetrate the minds of others. You see, then, the state of this particular connection between philosophy and law. A man can never be a lawyer without penetration ; but penetration will never be attained without the aid of philosophy.

Again, there is another ground for this connection between philosophy and law. It is not sufficient to establish the character of a lawyer that he is acquainted with the technicalities only of the science, he must comprehend the distinction between its technicalities and its moral principles : this you will find, upon recollection, has been remarked in the course of a former letter ; and it is, in truth, a very important doctrine ; he must be acquainted with the nature and spirit of the laws as a system connected with other sciences and other systems. Now a

certain state of mind is necessary thus to extend the notions and refine the understanding of the student. But whence is he to gain this? How is he to cultivate and strengthen it? In the haunts of pleasure? Amidst the eccentricities of dissipation? No! Is it to be acquired amid the tumultuous scenes of a busy life? Even these are not sufficient for the purpose; nay, conversation with wise men, and the study of books, however valuable and necessary to its promotion, will not be found equal to the production of it. It is philosophy, and philosophy alone, that can raise the mind, if I may so speak, to this noble condition. It is internal communion, the philosophy of the heart only, that can thus elevate the powers of the mind. For it is a most remarkable and peculiar quality of philosophy, that it not only furnishes the mind with the power, but creates in it an inclination to mark the divisions that separate the mechanical from the intellectual parts of science.

There is another view in which this connection may be plainly perceived. You have already seen, that it is a great ornament to a barrister to possess that compound of ease and dignity in his pleadings, and, indeed, in transacting all the business of his profession, which we term manner; and I remarked, that this was to arise from the bounty of nature, and from a nice observation of superior characters:

by nature I mean not only what I have elsewhere called the hand of Deity, but the philosophy of nature also; and it must be evident that a great deal must depend upon this; for even the observation of other characters, with any degree of accuracy and effect, must be preceded by some observation of our own: this granted, the corollary will be, that manner cannot be acquired or improved without the aid of philosophy; but it must be acquired and improved if excellency at the bar be the object of the advocate. Can I more clearly state to you this particular relation between the two sciences philosophy and law?

These views might be multiplied almost without end; but we will add only one or two further observations upon this head. You will remember that, in a letter some time back, we observed the necessity of the student's freeing his mind from all trifling cares the better to concentrate his powers in this one grand study of the law: if all I then advanced be true, it follows, that a distracted mind, no matter by what causes, will ever be a great enemy to his progress towards excellence; of course, that it ought to be his first endeavour to quiet it: let us see, then, what are the best means to accomplish this important end.

Men who know the world, and who have tasted the sweets of philosophy, will readily

perceive that the cares which vex and agitate the human breast are not to be drowned in wine, or driven away by dissipation; and that, even if this were the case, it could be so only at the expence of all that is excellent in our nature. They will see, on the other hand, that where these cares are suffered to prevail over every other consideration, the mind utterly sinks down in despair. Since these means fail, we must look to some other; and it must be more than a common obstinacy or blindness that will not or cannot perceive, that philosophy is the only power by which this work can be accomplished: that it is this alone which can enable the mind so truly to estimate the nature of things that nothing less than some extraordinary accident of life can have sufficient power to disable it from pursuing, with a regular and systematic attention, the business and studies necessary to the completion of the legal character.

Once more; you cannot but recollect that, in the earlier parts of our correspondence, I insisted much upon the importance of the cultivation of a spirit of labour; and you assented very freely to all that was advanced upon that topic: now the question is, by what means is this necessary propensity to be aroused and cultivated in the human breast? are not those means involved in the philosophy of which we are speaking? Is it not adequate to the proper

estimation of the internal capacities of the agent and of the nature of the task he is to perform? Is it not, indeed, their parent? It plainly appears, then, that before a man can excel in the legal science, he must labour; and that he cannot acquire adequate courage unless by the influences of philosophy.

I have given you but an imperfect view of this admirable connection between philosophy and law in some of its more intimate relations; but, imperfect as it is, does not its nature charm you? does it not lead up to a most noble and delectable source of science? does it not demonstrate to you most clearly, that you are about to enter into a profession, the true spirit of which is not sufficiently discerned? I protest, for myself, that when I contemplate the science of law in these philosophical relations to life, and to the human character (and these are its true relations), I am enamoured of the study of it; it appears to me to be filled with a rich variety that at once arouses the student to emulation, and presents to him his reward.

We will now consider the utility of philosophy to the student in regard to certain qualities that do not appear to be perhaps closely connected with his success; but which, nevertheless, contribute very greatly to the pleasure of his progress.

Philosophy, it must be remarked, is not only

essential to the internal government of the mind, in the subjects that have been mentioned : but it is of great use to promote qualities of an amiable nature, and to repress others that are of a contrary tendency ; and certain it is, that in this respect, it deserves some consideration. Many a man of great profundity has not only been on uneasy terms with himself, but has lost much of his influence with the world from the want of a philosophical government over his passions.

With this aim I propose to select as topics of the two or three subsequent letters, integrity, urbanity, and modesty. We will then, in another letter, briefly consider some of those qualities to which philosophy is an enemy, and with that letter close this dissertation upon the connection between philosophy and law.

LETTER XXXVII.

YOU seem at first sight to doubt whether the relation between integrity and the legal studies be so intimate as to demand a formal discussion : perhaps you will by and by be of a different opinion : nor does such a discussion

require the sanction of authority. But, I apprehend that, had no doctrine of this nature ever been advanced before, that circumstance would not have furnished sound reason for declining the examination of it now. In all subjects relating to man, in his various capacities and duties, we are free to make every inquiry that is consistent with good sense and the reverence we owe to the Creator.

I proceed to shew you the importance of integrity to the lawyer: but first of the meaning of the term.

The integrity whereof we are now speaking is not confined to that common principle of honesty, by the influence of which men are prevented from defrauding each other in the general intercourse of life: we will extend our observations to that inward sense of honour which sets a man above those professional misrepresentations, and leads him to scorn those advantages that are the choicest food of the crafty spirit; which promotes that secret love of justice, that will never permit the advocate to forget that the cause of his client is his own; and which will forbid him to engage in a business of notorious wrong.

At the same time it will not be amiss to remark, that, as far as integrity of conduct is the sign of a general good character, every man who proposes for himself the profession of the

law, will, in common with other men, find his advantage in the cultivation of it: for it is a question which any person will naturally and may reasonably ask, "With what face can the advocate arise in a court of judicature, that awful temple of justice, to call for the vengeance of the laws upon men, who, perhaps, through ignorance or misfortune, have offended them, when he himself is engaged in a daily violation of those laws?" I say violation, for we can know little of the spirit of laws if we think they cannot be violated by offences short of open robbery or murder.

Having thus determined the idea of integrity, we will no longer delay the consideration of its importance to the lawyer.

He who is influenced by the spirit of integrity, will never himself misrepresent, or be intentionally the cause of others misrepresenting or concealing the truth in a court of justice: no prospect of advantage to himself or his client will tempt him to the commission of so gross an error: I will mention two modes (by way of caution) in which it may be committed; first, by giving a false colour to facts, in his own statement of them to the jury or to the court: secondly, by ingenious and artful constructions, turning the answers of witnesses to purposes eccentric from their original design. Both these are very bold attacks upon the understanding and common

sense of men ; the latter is a flagrant perversion of all natural justice : nor are they often likely to succeed, if that were to be adduced as an argument against them ; and were that not the case, yet he who depended for the success of such arts upon the ignorance of those whom he might term illiterate jurymen, would be deceived, since the vigilance of the judge would presently detect and expose him : but why do I urge this idea ? At success, arising from such a source, the man of integrity would shudder, could we for a moment endure the paradox, that he were capable of attempting it : yet, transgressions of this nature may be viewed by some as more venial than I can possibly think them to be ; because they are mistakenly considered as proofs of what is called talent : they may be proofs of this ; and it may be granted, that the talent that is able to give effect to such conduct is in some sort necessary for the bar : but the question is, whether these are not very improper exertions of it : the nature of a thing may be learned from its consequences ; now what are the necessary consequences of these shrewd perversions of the truth ? They must either succeed or they must fail : take it either way : do they succeed : it has just now been seen that every honest man would blush at the success : do they fail : what tenfold confusion and disgrace must follow !

How then, when such is the natural consequence of any art, can that art be justified? Ought that to be considered as fair or honourable which cannot, whether attended by success or failure, produce aught but shame?

Integrity, then, is averse from a conduct like this; it teaches its pupil to consider, that in a court of justice the grand aim is truth; and that a subversion of truth cannot be achieved but at the expence of honour; an expence which no man of a right mind will willingly incur. It is in vain we would contend that the nature of the business demands this sort of cunning; and that, therefore, no man can succeed without it: if this were true, a sense of integrity would have so much further to go back, in order to deter a man from entering into a profession, the principles of which were so contrary to every dictate of truth and honour.

But I contend there is a distinction to be made between the cunning which, for any sinister or momentary purpose, would wrest the honest meaning, or pervert the simple fact, and the vigilance that will detect imposition or falsehood, and drag it from its hiding place: their appearances, I confess, are similar; but the ends they are calculated to answer are widely different: they are both framed for attack; they are both vivacious; but they are employed to very opposite purposes: the former assails the

fearful and the ignorant only ; it seeks, by intimidation or by art, to draw a confession suited to some particular view : the latter has no view but truth ; it seeks not therefore to extort a testimony that is adverse to it : the objects of its power are the bold and the interested witness ; against these its keenest exertions are both useful and honourable.

Whenever the necessity for making such distinctions as these occur, consult this principle of integrity ; it will, in a moment, direct you to what is right : and consistency in such a conduct will, in the end, not only produce success ; it will do more : it will render you deserving of it.

In the course of your practice you may meet with some occasions in which, by taking advantage of the negligence or ignorance of your opponent you might recommend yourself to a sharp or selfish client : here integrity will be very useful : it will not permit you to make of such accidents any undue advantage, it will not suffer you to be so far smitten with the character of a keen man, that you will obtain it at any rate. I have spoken of undue advantage, because I would use a qualified term ; for I am not seeking to lay down quaint and singular rules that cannot be observed : it therefore seems to follow, that an advantage may sometimes be taken of an adversary's inadvertency : for instance, the error is in a point of practice which, for its

publicity, every one, who attended to his business, must be acquainted with ; here is displayed an unpardonable indolence or ignorance which may prejudice many, and ought not therefore to be overlooked ; much less ought it to be suffered to gain an advantage against you. Again, the fault may relate to a novel part of practice, but of which you still know that the party neglecting has, or but for his own fault might have been sufficiently apprised : here, I apprehend, the same reasons that governed you in the former case will equally operate : or perhaps, it may be the oversight of a man commonly and notoriously negligent ; here, I think, your duty to your client will not permit you to waive an advantage : or it may happen, that in following the dictates of a liberal inclination, your client may suffer material harm in his cause : in this case, integrity seems to forbid that in managing the affairs of others we should sacrifice them to feelings or notions that might with propriety influence us in the direction of our own.

The instances I have stated just now are put merely for the sake of example ; in your future conduct you must be guided, with regard to the numerous cases that will occur, by your own discretion : but upon all such occasions you will do well to cherish a spirit of integrity, and to resolve that nothing unworthy of your character shall appear. What, will a little

temporary profit avail in the estimation of the man who has been tempted by the hope of it, to do that upon which he can reflect with no honest pride? Yet it may be not improperly remarked, that, even in point of profit, this sharp, catching spirit does not always, in the end, bear away the palm; like the bubbling of a disturbed rivulet it may excite a momentary attention, while the noble, silent swell of the river passes unnoticed; but, like the rivulet, its shallowness will presently be discovered, and we shall turn from it with contempt, content only with that perennial stream of talent and integrity that is rolling on with a majestic and unruffled course towards the ocean of immortality.

Integrity, wherever it prevails, will correct the spirit of subtility and finesse that has been too often alleged to disgrace the English bar: every advocate will be anxious to give as little room as possible to such an accusation: he will recollect that those intricacies, which unavoidably obscure the law have had their source in no honourable propensities of the human mind, and that he will therefore be doing a great wrong in adding to them. In the days of early simplicity, the laws participated in that character; and they who have adorned the law and the literature of this country, have lamented that the false taste and

learning of the Norman schools have been unhappily instrumental in corrupting the purity of our own system : this learning had its origin in the cunning and dishonest policy which marked the conduct and opinions of dark and subtle ages ; and though its pernicious effects upon the juridical polity of this country cannot now be completely remedied, it will be the business of integrity at all events not to add to their influence, or accelerate their progress.

There is no pride so unworthy of an enlightened mind as that which delights itself with the needless intricacies of any science, much less is it excusable in triumphing in the obscurity that enshrouds the law ; a science that ought to be most clear, and that will cease to be so only in proportion as the sentiments and manners of men degenerate from the standard of purity : the motives that induce this kind of pride are selfish and unjust, as he must be selfish and unjust who labours to lock up his knowledge rather than to diffuse and explain it.

Be it your resolution, then, to preserve that perspicuity in which integrity delights ; be not afraid, lest by these means your profession should become vulgar and debased. The moment we appear solicitous to conceal, we arouse curiosity ; and as similar principles will attract each other ; so, when we want to plant our dignity upon art, the common mind feels itself immediately exalted to a rivalry,

and it enters into the struggle with all the confidence of an equal adversary : for cunning is the wisdom of the vulgar, its very essence is a composition of concealment and disguise.

The advocate, who is influenced by integrity, will never forget that the cause of his client is his own. What a glow, what a fervour does that animating principle impart to every look and every action ; and is it not as much to his interest as his honour ? Men are charmed when they find their business thus warmly undertaken. When they perceive that every thing they themselves could think is said for them, they are led insensibly into the idea that the barrister perceives and is affected by the justice of their cause. If this be a delusion, it is a delusion that is most readily supported by their self-complacency ; and the name of that lawyer is presently spread in the world, who appears to argue rather from the affection he has towards the cause of his client than from his love of the fee.

But, in truth, this is not a delusion, it is a real and an honourable principle : it incites a feeling of sincerity towards the interest of the client ; and will not, therefore, suffer any supineness or neglect in his concerns : it will not attempt to avail itself of the excuse that the business was of little importance : that is ever of importance upon which the peace of a man depends ; and who is to be the judge of that ?

Persons are seldom inclined to enter, as litigants, into a court of justice who do not conceive themselves to be injured; and when once they have thus determined, and the advocate has accepted their cause, he pledges himself, to act for them as they themselves would act.

In the energy that is thus produced there is great power; it is seen in every department wherein it is exercised, from the insignificance of private conversation up to the most important public discussion: the moment we behold a man energetic, we are induced to think that he believes himself in the right, and that he is interested in what he says. About that in which we ourselves appear to take but a small concern, we shall not often succeed in our attempts to interest others: this is evident in matters that do not in any degree affect our affairs: the most elevated sentiments of our immortal bard would fail to awaken corresponding sensations, if repeated by a languid and unfeeling actor: but how does a secret sympathy thrill through the heart, when perhaps even less dignified ideas are presented to it by the lively voice and manner of an actor who possesses genius and feeling: whence is this wonderful influence? The man is, for the moment, what he appears to be; and the glowing images he raises dart with an undiminished strength from his bosom to our own.

Integrity will forbid the advocate to engage

in a business of notorious wrong. Upon this proposition a very nice and curious doctrine arises: could the term wrong be accurately defined, there would, perhaps, be little difficulty in drawing a conclusion; but such a definition is no easy matter where our interest or inclinations interfere. The time, however, will not be mispent in endeavouring to ascertain to what extent the doctrine is true.

First, that is a notorious wrong when one man seeks, by a wresting of the law to his own purpose, to despoil another of his rightful property, or to obstruct his obtaining the possession of it; and he who assists in the execution of any such plan, no matter under what pretence, incurs an equal share of guilt with the original propounder: this being so, the question next arises what ought to be considered as despoiling, and what assisting? With respect to the first, certain it is that the judgment and integrity of the man must unite with the circumstances of the case to produce a decision, since, perhaps, it is impossible to point out circumstances, not which may happen, for that might be done; but which may be represented by the artful tongue of interest; but this rule may be laid down; where it becomes necessary to pervert, not the spirit only, but the words of a written law, in order to support a cause, no advocate of integrity will accept a brief.

As to the second part of this question, what may be called assisting. I observe, that whoever is the voluntary instrument, by speaking or writing, of turning a law, calculated to produce protection and benefit, to oppression and robbery, must clearly be an accessory: nor will the plea of professional necessity avail him, since that necessity cannot exist in an honourable profession.

Secondly, that is a notorious wrong whereby a law, clear and express in its correction of a public grievance, is sought to be weakened or evaded. If an offence against such a law be plain to the conscience and understanding of the advocate, can he, consistently with the dictates of integrity, rise up in court to defend the culprit? There are few cases free from doubt; and I am ready to allow, that many causes are defended in a public court of justice, and necessarily so, by the barrister (as, for instance, when he is assigned the counsel for a party by the court), which would be given up in the closet by the man: of this the world must have been long ago well convinced; and it has agreed to justify it, and it may be justified upon these grounds, independently of the authority of the court, and the nature of the barrister's public engagements, that there is a right somewhere, and that there is also (to put it no higher) a possible probability of its being on our own side: but in the case I have proposed

there can be no right existing, and integrity must therefore be violated by an attempt at defence.

It must not be urged, that if I do not undertake this business, another will ; for thus are the boldest transgressions, not only against conscience, but against the laws themselves, excused : rather call to mind, that not only your own honour, not only the feelings and property of others, but the laws and the community, may be affected.

I do not mean to lay down nice rules of a novel or abstract morality : were I inclined to do this, my observations, grounded on the best authorities, might be carried to a great extent ; but you see they have been confined within very narrow compass, and to great plainness : whatever has regard to the spirit of the laws, I have entirely and purposely omitted, because that can only be ascertained and settled in those tribunals that are appointed by the law : my intention is to impress upon your mind a sense of the integrity and honour that have the useful and important capacities of practice.

Neither have I that ill opinion of the world, or perhaps I might more truly speak, of the insufficiency of our laws, as to imagine that men will be tempted by the hope of success to nefarious attacks, either upon individuals or upon society ; but it is certainly doing no ill thing to guard against that which may hap-

pen : nothing can be carried into our courts of justice but through the medium of counsel, and until we can be assured that none but fair objects of litigation will be attempted to be argued there, he who is about to prepare himself for the long robe will be coming short of his duty, if he does not his utmost to be ready for every event that may attend it.

It is easy to ridicule any doctrine, however its purity or clearness may be able to defend it from fair opposition ; and more particularly are these practical rules, that may be thought to affect our interest, subject to this sort of treatment. That which we love not to do, we are very apt to represent as impossible to be done ; I do not suspect you of such conduct : I would only observe that it becomes us ever to weigh well the nature and design of a precept before we affect to despise it as a vain one.

What I have recommended to you not only arises out of the principles of a practical justice, but has a tendency to promote the interest and reputation of the advocate : perhaps from an erroneous opinion in the world, this may be true rather of him who has yet to gain, than of him who has established a name ; but I am not addressing the latter of these characters. Policy, as well as integrity, demands of the young man, that he do not, for the sake of a fee, or for the hope of business, engage himself as the de-

fender of a notorious wrong: what he gains by the acquisition of the moment will be vastly overbalanced by the future loss of the good opinion of those by whom alone he can hope to rise: much cannot be gained, but much may, eventually, be lost. I mention this because young men are frequently induced to virtue by motives that do not altogether arise from her own intrinsic excellence.

I will now shew, in a few words, that integrity is the genuine offspring of philosophy.

Philosophy is the parent of integrity; nor can we view the relation in any more distant light, if we will take the trouble to examine with care the circumstances and nature peculiar to each. The philosophy I would have you study has been already characterized as the philosophy of the heart: and whence is this pure principle of integrity? does it not come also from the heart? is it not engendered there by philosophical research and investigation? do external circumstances produce it? is it the necessary effect of riches, of learning, of commerce with the world? These may set it off to advantage, they may make it more extensively useful; but we have had abundant proof that they are not able to produce it.

It must, however, be remarked, that of all the principles that ought to regulate our conduct, integrity is the most liable to be shaken by extrinsic circumstances, and consequently that

it must be frequently in need of immediate support : this support it can only receive from philosophy ; for it is from philosophy only that we can derive that firmness of mind which is necessary to establish integrity.

By firmness of mind, you will hardly suppose I mean that which is however frequently confounded with it, strength of nerves ; of the latter one need not say, that however useful it may be, it is merely a physical and vulgar quality ; the former is that power which may not so properly be said to conquer, as to keep far from us every temptation to meanness ; which enables us to despise all hesitation in the conflicts that every day occur between our honour and our interest, to hold an even hand, if I may so speak, between ourselves and the world, and to guide us in one undeviating course of rectitude.

The love of integrity may reside in very feeble minds, but in such minds integrity will be no certain principle : and no man can for a moment rely upon its influence for any beneficial consequence : for what is the substantial difference between that weak desire to do what is fit, which is every hour blasted by selfish fear, or chilled by lingering hesitation, and the open disregard of every just and honourable sentiment ?

No man therefore can safely pronounce of himself that he is a man of integrity, if he possess not firmness of mind, if his happiness,

losing sight of the consciousness of honourable desert, depend upon success, upon the applause that indiscriminately waits upon success however obtained, upon the acquisition of wealth, or upon any other external advantage. The due estimate of such advantages will assign them a subordinate station, and that estimate can only be made under the instruction of philosophy, but when once established in the mind it will necessarily produce a spirit of integrity too firm to be shaken by the fear of poverty or failure, or by an undue desire of success or praise.

LETTER XXXVIII.

URBANITY next comes under our observation as a pleasing and amiable quality in the character of an advocate, and as, in a degree, related to philosophy. Perhaps something of this nature may exist where the influences of philosophy are not, in any other respect, very easily to be discerned: but we may, at the same time, justly observe, that its duties have seldom been so accurately understood, or so happily practised, where they have been the result of mere notions of form or good breeding.

They who have written upon the decorations of life have agreed to mark urbanity as the chief amongst them; and one writer in particular, of high repute in our language, who appears perfectly to have understood the rules of politeness, represents good breeding, or good manners, as a system calculated to diffuse pleasure and self-complacency amongst the various ranks of society: this plainly indicates his opinion, that it must flow from the heart; no qualities of the head, however great or valuable, being adequate of themselves to that beneficial purpose. Urbanity appears to be composed of the best qualities of both; and they who most excel in it are, undoubtedly, the best calculated to diffuse felicity around them.

But this is not all; in feelings of this nature there is ever a tendency to reciprocity: and although the favours that are granted, in what is called the more solid commerce of men, are sometimes neglected to be returned, because that return may affect, in an unpleasant manner, our interest; ingratitude in the transactions of politeness is not often found: what we give to the world in that way is generally returned tenfold. A man of genuine politeness has seldom many enemies; not only because he is a character calculated to obtain favour, but also because men please themselves while they manifest their kindness towards him.

Such being the character and consequences of urbanity, it will, surely, not be unnecessary to consider how far it is worthy the attention of him, who is going to act so conspicuous a part in life as that in which the English bar places a man, whether as a scholar, a lawyer, or a gentleman.

The barrister, more than any other man, has an enlarged commerce with the world; almost all descriptions of society engage with him, and he with them; nor is this intercourse altogether a private one; it is, indeed, for the most part public: Urbanity, therefore, in conducting such an intercourse, is not only more requisite in him than in many other characters, but he will incur proportionably more lasting and deserved censure than others, if he be deficient in it; for his opportunities are more than proportionably increased of communicating, by a conciliating address, pleasure and confidence to all around him.

That which has in itself the capacity of contrary exertions produces them generally in extremes: this observation may be illustrated by the character before us: as the advocate has it in his power to diffuse a great proportion of pleasure, so can he give pain in an equal degree: by the indelicacy of his manners he may put an affront upon dignity, which it cannot but feel, though it may not resent: he may inflict a

wound upon conscious truth, which may torture, though it cannot disable it : in him, therefore, every dereliction of urbanity, every neglect of its laws, is peculiarly ungracious, because it is peculiarly incumbent upon him to observe them.

As a man of the world, the favour of the world is of importance to him ; and he cannot acquire it by a surer method than that with which urbanity will furnish him : it will open every ear and soften every heart towards him : it will promote his interest with others, and render him happy with himself.

Its good effects are conspicuous in every movement, in every word, in every action ; it possesses an engaging condescension that adds fresh lustre to the dignity of our manners ; in addressing the judge or the jury, or in argument it will produce a tone of yielding diffidence, without impairing the firmness of our positions, or blunting the point of our conclusion ; in examining a witness, it will guard us against insulting the humble or deriding the modest ; it will clothe the countenance with a pleasing seriousness when undesigning ignorance only presents itself ; to the crafty and audacious it will yet exhibit an aspect not the less adverse or terrific. Thus will urbanity raise up a character that will prove obnoxious to those alone to whom virtue, truth and elegance are obnoxious.

But although urbanity is so great a recommendation of the legal character, and although one could not be easily led to suppose it would be neglected, yet, certain it is that many false notions may be broached, which, if they do not totally destroy, do at least impede the cultivation of it : such is the pride of birth, of wealth, of talents, of situation : but that such pride, even in common life, whether its principle or its consequences are considered, is inconsistent with every dictate of generosity and justice, has ever had the assent of men of good sense and understanding ; much more will it be condemned as incompatible with every definition of gentlemanlike behaviour, when it influences the conduct of a barrister.

Let any man in that respectable situation, who is about to address himself either to a court or to a witness, reflect for a moment upon the relation that subsists between himself and them ; to the one he is confessedly inferior in all that situation or talent can confer ; nor can his wealth or his birth, be they what they may, render him any way equal to the dignified elevation of those whom he addresses : clearly, then, upon such occasions, his aspect ought not to be that of a vulgar carelessness or a defying audacity ; in all its various actions it ever ought to preserve a decency of reserve, appropriate to the respectfulness of his sentiments. An un-

chastised manner or tone of voice very little becomes the character of an advocate, or is suitable to the solemnity of a court of justice.

The case may be different, in respect to a witness : the great majority of those who bear their testimony in our ordinary tribunals, are of an inferior class of men ; and, consequently, in all those particulars to which I have just now alluded, very much beneath the advocate who examines them : now in the intercourse that subsists between these two characters, what ought to be the chief purpose of the advocate ? Doubtless, you will reply, the extraction of the truth. And how is this grand end to be obtained ? By taking an undue advantage of his superiority ? By invidious and impertinent questions ? By imperious and insulting language ? By provoking the passions that are natural to a man, with a degrading rudeness (degrading, indeed, only to him who descends to it) ? Are the ends of truth to be answered by means like these ? It is by these very means that the truth is frequently overborne, and that the administration of justice is sometimes calumniated. When we consider what an advocate ought to be, as a general character, and when in particular we reflect that he ought to assist and support the honest and the timid witness, how odious must appear that unnecessary art, that brow-beating insolence, calculated only for the unjust purposes of de-

ceiving or terrifying him : but to leave this — How unphilosophical, how little consorting with the character of a man of refinement and the world, is that undistinguishing severity that involves alike the innocent and the guilty, that, with the same unrelenting frown, the same haughty spirit, attacks the daring and abashes the modest : sure I am that, were these things made the subject of reflection, men would not be so apt to consider the service they are about to render their country by witnessing the truth as an almost certain exposure to affront : but I will no longer dwell upon this unpleasant topic : suffice it to observe, that what has been said must possess a double recommendation to your attention when you perceive that it is honoured with the approving sentiments of those who take the lead in our courts of judicature.

These rules may be extended to your intercourse with attornies, of whom it is needless to say, that whether considered as occupying a most respectable rank in society, or as very nearly connected with the barrister, they are entitled to all those attentions which politeness dictates. I am not afraid you will confound my ideas upon this head, so as to suppose that I can possibly mean to urge a familiarity with every inferior character who chooses to decorate himself with the name of an attorney ; indeed, a caution against this as an exception from the

general rule, is rather implied in my former admonition ; no conduct can be more remote than this from the behaviour that springs from a decent consciousness of superiority. And if ever a barrister shall be found, who, under the false hope of acquiring or increasing his practice, would become the easy companion of a low and unprincipled description of men, such a spectacle would be matter of the most extreme regret to every man who is interested for the honour and prosperity of the bar : both go to the farthest points of error ; and to every ingenuous mind it is sufficient to point them out, that they may both be equally avoided.

There is an excellent mean to be observed, which a combination of reflection and natural sentiments of dignity will never fail to produce. While the subject, however, is under our review, it may not be amiss to observe, that, as far as his professional conduct in the court is concerned, the advocate is bound, by the peculiar relation he bears to them, to have a very strict guard upon it ; he is under the protection of the court ; he is become, by custom at least, a very essential member of it ; he owes to it, therefore, gratitude and reverence, and an attention to the support of its dignity : now to be vulgar and boisterous in speech or in manners in the presence of the court, is grossly to affront it, and, of course, totally inconsistent with

either of those affections ; and because the noble characters who preside there may be too tender of your reputation to mark with severity every offence of this nature, will not the general body of the people, think you, be apt to mistake this lenity for an approbation of your improper conduct? and may not the authority of the court, in time, be thus rendered an object either of their dread or their mockery? Such impressions as these upon the public mind are not to be thoughtlessly encouraged ; in your own sphere prevent them as much as possible by cultivating a politeness of manners, that is ever the surest ensign of your own dislike of rudeness, and the best defence you can yourself have against the familiarities and impertinence of others.

Thus have I candidly laid before you my ideas of this particular branch of our important subject. If it appear ludicrous to class urbanity among the serious studies of the lawyer, it may be recollected, that, upon things thus lightly esteemed, the most important occurrences of life have depended, important both in their own nature, and in the consequences they have produced.

LETTER XXXIX.

WE come now to the last quality I proposed, as composing the ornamental as well as useful parts of this great philosophical pile, Modesty.

In various passages of my former letters I have taken whatever opportunities presented themselves of speaking in praise of modesty; in particular I recollect to have shewn you the difference that subsists between modesty and fear. You have always assented to my ideas upon this subject, and I therefore, with the less hesitation, lead you, for a moment, to a more concentrated view of its nature, and of the benefits that must result to you from the cultivation of it.

Not doubting but you carry in your mind a clear remembrance of what has been already written, I proceed to observe, in the way of deduction, that modesty is particularly necessary to all those who stand up in public as speakers; and that it is the peculiar and the chief ornament of the advocate.

All who have the care and education of the younger part of the community entrusted to them, make it their first endeavour to inculcate

the principles of modesty into the minds of their pupils : but this task has not been confined to parents and guardians : the philosophers and poets of every age have viewed it in a light sufficiently considerable to think it worthy of being placed amongst their most important lessons ; and the records of every enlightened country bear incontestable evidence that modesty has predominated in all those superior characters that, by their wisdom, their learning, or their genius, have adorned the various ages in which they lived.

If this be the case, it will be natural to inquire, how it has happened to be so ; and the rather, I apprehend, as modesty is not a quality formed to catch the immediate notice of the world. It may be remarked, then, that it is peculiarly calculated to charm and to interest the affections of mankind ; for it possesses, if I may so speak, a yielding boldness, that at once creates delight and surprise in the human breast ; while it appears to give way, it maintains its ground with a secret fortitude ; and this is one reason why it has so powerful an operation. It is the nature of man to have a distaste against forwardness and pertinacity, while it will easily submit to that fortitude that supports, with an internal and even tranquillity, the opinions or principles it has espoused.

Modesty has been pleasing to the world, and will ever remain the object of its delight, because it is the offspring of philosophy. There is something naturally just in our uncorrupted sentiments that will not permit our primary ideas of truth to be absolutely lost, though they may, for a time, be suspended or weakened by the habits of an immoral practice; he, therefore, who proposes truth to mankind, either by the example of his own life, or by precepts drawn from the virtues or wisdom of others, with modesty, will be sure to attract attention and to gain esteem, even though prejudice, or vanity, or interest, or any other of those false motives which rule but too powerfully over the actions of men, should prevent a candid confession of his power; for, being fortified by the immutable principles of truth, modesty will push home her purpose with a resolution necessarily consequent upon those principles, although that resolution will be softened by a meekness peculiar to her own nature.

We have a natural jealousy of our independence; we hate the man who, from a pertinacity in his own systems, ridicules our prejudices, and argues with rudeness and ferocity: by a contrary but natural influence, we are led to listen to him who, while he defends his own tenets with every force of argument, and presents them to our consideration with all the accuracy of reasoning,

still appears to treat those of his adversary with a respectful tenderness: if, therefore, immediate conviction does not follow, the goodwill of his auditors is nevertheless gained; and this is no immaterial point for him whose business it is to address and to influence the passions and the judgment of men.

What I have just now said of the influence of modesty, is not confined to the intercourse of private life, it will also hold good in regard to public speakers; since it seldom happens, I believe, in free, numerous and rational assemblies, that the speaker and many of his hearers exactly correspond in their ideas or conclusions.

It is by no means a necessary consequence, because it falls to a man's lot to address a number of persons, that he is therefore the wisest man of that number: eloquence is a very noble gift, and wherever it is allied to a sound judgment, it will at one time or another elevate the man who possesses it above his contemporaries; but it will only elevate him as it is manifested, and as it makes an impression upon men's minds; and nothing so effectually convinces us of the good understanding of a public speaker as the appearance of modesty; by this he acknowledges the inferiority of his own single opinion to the aggregate wisdom of the body he is addressing; yet because the aggregate wisdom of

every society is a composition of separate efforts of individual understandings, he does not relinquish his own opinion, but continues to force it, until, by some solemn act of the auditory, the public opinion is clearly demonstrated.

In this view, the public speaker, though apparently the greatest, will be considered, in reality, the lowest character in the assembly: how then does modesty become him: how odious is a bold, clamorous, headstrong pertinacity: the orator has taken upon him to argue, to inform, to refine; he has ventured to advance and to support opinions; but in what situation? Not in that where man stands opposed to man, yet wherein, as we have seen, modesty is ever admired: no; he combats numbers; numbers, too, perhaps superior to himself in all the solid qualities of the mind: if he then presume to hold this great superiority at defiance, he must do so at the peril of universal contempt.

Nor will the matter be greatly altered if we suppose for a moment that he is not only the greatest orator, but the wisest man in the assembly, and can more than this be allowed? still he is but one; and one may fail where many cannot: for though that one have all human wisdom, yet it would be supposing too much, that, of a number of persons promiscuously assembled, all, or even a majority, are devoid of com-

mon sense ; here, therefore, in forming a decision, the common understanding of many is opposed to the superior discernment of one. It must also be remembered, that, of many of those circumstances which relate to life and to the management of its concerns, every necessary judgment can be correctly formed by the force of those combinations alone that the generality of men are adequate to make : superior powers may embellish the discussion, or they may be needful to the settlement of matters of an intricate nature ; but the truth is, that neither is this embellishment absolutely necessary, nor do affairs of so nice and intricate a nature frequently occur.

I omit to urge, that the grounds upon which many human opinions and arguments are founded are uncertain and obscure ; this is a truth within the daily experience of every man ; it may, however, be observed, that it is a truth that ought ever to be recollected ; it will, indeed, only be forgotten in proportion as we are sunk in ignorance. We see that the wisest men do not advance their observations or their arguments in a tone of confidence or with an unblushing boldness ; experience has taught them, that like other men, they may err ; still conscious of their superiority, they take upon them to inform and instruct mankind, but their lessons are delivered in the chastened style of

modesty ; they remember that they themselves have something yet to learn.

It now remains to see whether, granting what I have already observed to be true, modesty is not peculiarly necessary to those who stand up as advocates in a British court of judicature.

It has been observed with respect to public speakers generally, that, by the mere force of their relation to their auditory, they are, upon the comparison, greatly inferior to it ; and that, even although the uncommon and perhaps, impossible circumstance were granted, of his being the greatest man in it ; and the conclusion was, that an immodest boldness very ill became the character in which he appeared : now if, under a circumstance so favourable to him, this be the case, how much more strongly will it appear to be so where the contrary is the fact ; where the speaker, however honourable or however learned as an individual, has still to contend with a superiority of rank and learning.

This is the situation of the advocate : he is in the ideal presence of his sovereign, represented by a type, awful, perhaps, as the sacred original ; he is before men elevated far above the common ranks of society, marked by every distinction that the world has agreed to venerate ; and deeply versed in that learning by a profundity in which he himself will be judged : his companions, some of whom upon this occasion may

lie his adversaries, erudite as himself in science, and more deeply skilled, perhaps in the doctrines he will have to assail or defend, watching his arguments, controverting his statements, ready to dispute his principles and to deny his conclusions: what mind of sensibility, what being of any understanding, could endure to behold in a young man, thus critically situated, an audacious front? what ear could suffer sounds of an unabashed confidence? A host of dignity, of learning, of talent, presents itself; every thing unites to teach him the lesson of modesty.

Besides, this would not only be an offence to propriety, and to the common sense of mankind; it would be an offence against yourself. What acquaintance do you suppose men will think you can have with the great men of this age and of former ages? Will they not laugh when you pretend to value yourself upon your knowledge of the law and of lawyers, of the philosophers, the poets, and the historians of your own and of other countries? You, who appear so little acquainted with those beautiful distinctions of character which have marked their elevated sentiments and have immortalized their names.

Who will believe that you know any thing of Bacon, of Newton, of Locke, of Jones, or of Mansfield (I need not mention other names), while you seem thus destitute of that quality,

which spreads a pleasing glory round those noble characters? It is impossible! The man who never speaks before the tribunals of justice but in the tones of confidence and audacity, may excite a temporary amazement; he may delude for the moment; he may enrich himself; but when the reason of men return, he will be taught to feel (if, indeed, any sense of feeling remain) that there is a dreadful distance between himself and that character which is formed to expand the science and to elevate the profession of the law.

Contemplate, I once more beseech you, the models that are before you; they will teach you the necessary distinctions between modesty and fear, between fortitude and impudence; they will shew you that it is not by pertinacity and violence that the opinions of men are to be modified, or that truth is to be defended; they will establish in your mind this grand fundamental principle, that men, whose attention is worth obtaining, are seldom moved to attention, much less to conviction, by those who arrogantly usurp to themselves every power of the judgment and of truth.

And now, can it be conceived that modesty will restrain our exertions, and rob us of our powers? Discard that idea, if you have imbibed it; it is most false and delusive. Modesty, which is truly and systematically such, springs

from a power and habit of contemplating and understanding the peculiar relation in which, as a public speaker, you may stand to a certain portion of the community; and this power is engendered and supported by philosophy : and if philosophy, when combined with the active duties of life, is not calculated to depress men to a base and narrow sphere, modesty, which is thus nearly related to it, cannot be conducive to so unworthy an end.

It is unnecessary to enumerate the good effects which the cultivation of modesty will produce upon your general behaviour, not only because they are of themselves obvious, but also because they have already been sufficiently treated of by other writers ; I therefore dismiss this letter, repeating to you my wish that you would dedicate some portion of your time to the consideration of this pleasing and important subject.

LETTER XL.

THUS have we traced, as briefly as the nature of the subject would permit, the connection that subsists between philosophy and the law ; and have perceived, by the

examples of integrity, urbanity and modesty, that the influence of philosophy upon the student will enable him to acquire not only solid, but pleasing and ornamental qualifications; that it will not only lead him in time to rank with sages, but that it will also strew with flowers the path through which it points out the way to wisdom. I will detain you a moment longer, while I remark upon a very few of those passions and propensities which are inimical to the progress of the student, and which philosophy is able to subdue.

First, Intemperance. Intemperance is unfriendly to the minds and the bodies of all men in common; but opportunities of engaging in it occur, perhaps, more frequently to the inhabitants of our inns of court than to any other professional body of men: there seem, indeed, to exist no other barriers against its destructive inroads than those which philosophy presents. I speak not here merely of the pleasures of the table; I mean to add to them those of the town in general: music, cards, the theatres, all combine to form one subtle vortex, in which the time and the powers of the student are silently but inevitably lost. How is he to avoid this? Let him apply to Philosophy; she will teach him his duty, and lead him up to the fulfilment of it; under her mild and grateful lessons he will gradually be led to nobler pur-

suits; it will be no longer by constraint, that he refrains from those indulgences, which before he courted; he will fly from them; they will be indulgences no longer: truth and reason will resume their empire: the law, which he had been accustomed to consider as a sterile, labour, as a task unworthy of every man of genius and spirit, will now appear to be fertile of enlarged and scientific truths; his faculties, enlivened by philosophy, will arise to light and freedom; and under her auspices he becomes his own guardian.

Secondly, Vanity. This is a propensity of the mind which betrays those who are under its influence into the most silly, not to say the most degrading actions; philosophy is certainly the best, if it be not the only cure for it. Take a view for a moment of the difference between their principles: vanity arises from a blind, unqualified partiality in a man towards himself; it is therefore a conceit that all his thoughts, and that every thing he does, partake of some peculiar superiority over the thoughts and actions of other men: philosophy, on the contrary, leads a man to enlarged views of truth; she produces a disposition to compare himself and his acquisitions with the elevated objects which she displays: the natural result of this comparison will be, a sense of his own deficiency: under the influence of the former he becomes con-

ceited and arrogant ; by the lessons of the latter, diffident and humble ; in short, the principles of good and evil are not more averse from each other than are those of philosophy and vanity.

If this representation be a fair one, and if what has lately been observed be correct, the advocate cannot have a greater enemy to his reputation than vanity. If the situation of the barrister peculiarly demand from him a modest and dignified reserve in his deportment, vanity must necessarily be inimical to his success, for she will be continually enticing him into frivolity and affectation. If integrity and urbanity be requisite to the excellence of the advocate, surely vanity should be avoided or opposed as adverse to both ; for though I do not mean to say that the vain man cannot be an honest man, yet he who is subject to vanity will be sometimes inclined to sacrifice that nice sense of honour which has been mentioned, to his ostentation. Of his manners we may speak in terms less reserved ; it may be taken as a maxim, that the man of vanity can never be the well-bred man.

If we consult the common experience of life, we shall find that men conceive not only the deepest disgust, but contempt also, of the character of the vain man ; and if this be the case in the trifling, comparatively trifling concerns of the day, how much more forcibly must it be

so, upon those occasions when we are waiting for the displays of a profound judgment : these sensations of disgust and contempt are capable of working a great mischief against their object ; and they are peculiarly dangerous to those who depend for their prosperity upon the confidence that others may be induced to repose in them ; they naturally destroy all inclination to confidence. This is the situation of the advocate ; he will do nothing if he possess not the confidence of men ; disgust and contempt, it has been seen, destroy this confidence, and vanity may produce disgust and contempt.

Subdue, then, the early suggestions of vanity : she is not only a powerful and a subtle, but an active enemy, and when she has once completed her conquest over you, displays, in a thousand modes, her triumphs to the world ; she makes every part of you subservient to her purpose ; she tortures your frame into unmeaning attitudes, teaches your eye, by turns, the stare of impudence and the gaze of inanity, and influences your voice to numberless ridiculous and unnatural variations : by her artifices your mind is perverted and your judgment weakened ; they become subject to false and narrow conceits, that would contract all that is noble in science and elevated in nature, to their own debased sphere.

Thirdly, Peevishness. If you are unhappily

addicted to this disposition, you will find a great support against it in philosophy ; and this support you will also perceive to be very necessary ; for there are not, perhaps, many scenes in which the temper is more severely tried than a court of justice ; and it may be added, that no where is an ill temper so mortifying or disgraceful ; mortifying, because it is liable to be ridiculed with all the keenness of wit ; and disgraceful, because it lessens the character of the advocate in the eyes of every rank of men. Nor will you be inclined to treat this hint as useless, when you reflect that a man of a perverse and peevish spirit is every moment exposed to pain ; that it will flow upon him from a thousand different and unexpected sources ; the keen argument of a learned friend, the art or the ignorance of a witness, the unavoidable diversion of the attention of the court at times from his observations, or that opposition to his opinions, from which no man in such a situation can expect to be secure : all these are equally calculated to distress him : how unhappy must he be in himself, and contemptible in the opinion of others, if, by occurrences like these, he be driven into an excess of passion, naturally productive of violent and indecent expressions.

If this disposition be suffered to grow into a habit, it blunts and deadens the powers of the mind, and it enervates the bodily frame: the

former of these positions may not be so apparent, because there have been instances of men of great natural vivacity and keenness, who do not appear to have lost their mental superiority under the prevalence of a bad temper : but independently of the argument, that these might be considered as exceptions from the general rule, I would observe that vivacity and keenness, though they may well combine with the properties essential to a great character, do, by no means, of themselves, form a necessary part of it ; to those, therefore, who consider that an even, composed and dignified tenor of mind is the great feature of an elevated character, it will not appear strange to assert, that he who indulges a peevish, petulant disposition in any degree, is in that degree removed from the elevation to which I have just alluded.

It appears then your duty to have a command over your temper : it is to philosophy only that you can look up for the necessary powers : we will not now dive into the origin of this evil disposition ; suffice it to say, that it is possible to labour under it, and that a sufficient remedy has been pointed out.

Fourthly, Envy. Envy is not only the parent of misery in ourselves, but of injustice towards others : against a spirit like this every member of a liberal profession ought most watchfully to guard. It has been a thousand and a thousand

times urged by those who have written upon the moral system, that envy betrays us into numberless meannesses : what has been so often said I will not here repeat ; I will only use it to impress upon your mind this doctrine ; whatever is mean, whatever is unjust in its general nature, acquires a new and more forcible character of meanness and of injustice when it becomes related to the legal profession ; a profession that demands learning, wisdom, in short, every thing that is most adverse against those principles.

With this sentiment the advocate will, less than any other man, endure the dominion of envy, because he will less than any other man endure what is selfish, and because what is selfish in the common acceptance becomes doubly so in him. Unfortunately, where there is a natural disposition to envy in the man, it becomes excessively forcible in the lawyer ; it is most effectually aroused by the success of our contemporaries ; and no success is more striking than that of the barrister, or more completely appears to spring out of those acquirements that excite admiration or envy ; for when we consider that all the noble faculties of the judgment, the brilliancies of imagination, and the graces of eloquence may be brought forward as the instruments of his success, and that riches, reputation and honour are its almost certain consequences,

we shall perhaps find it difficult to conceive an assemblage of causes and effects more splendid, and, of course, more strongly formed to excite the indignation of the envious man. The lessons of philosophy will here have an influence not only as a remedy, but as a preventive, and will destroy even while they are in embryo those baneful feelings, that are hostile against every purpose of honour, and destructive of every source of felicity.

I will not select any further instances of the qualities against which philosophy is adverse; those whereon I have thus briefly commented are sufficient to shew you two things very material to a student; that there are passions and prejudices inimical to the study of a liberal and learned science, yet to which he may, in an evil hour, become subject; and also, that there is a power adequate to the prevention or the extirpation of them.

Here we put an end to our long dissertation upon the connection between philosophy and law. Much indeed has been said, but much has been passed by unnoticed; this you must supply by the industry of your own cogitation and research; nor can a portion of your time be consecrated to a better purpose. The law, it may be repeated, is evidently a science connected with the varied character of man; he, therefore, who is ignorant of this character can never

enter with a proper discrimination into the legal science; it will ever appear to him as a mere letter; its designs, its principles are hid from him; and from the respectable rank of an advocate in laws formed into a system consonant with the genuine dictates of nature and of reason, he degenerates into a paltry quibbler upon letters and words.



LETTER XLI.

WE are now arrived at that stage of our correspondence in which the connection between history and the study of the English law presents itself to our examination. This is certainly deserving of the consideration of every man who has the honour to obtain the reputation of a profound and enlightened lawyer.

The field, indeed, which it opens for the exertions of the student, is very extensive; but it is not my intention, in a treatise like the present, to explore every part of it; I shall content myself with pointing it out in general, and, perhaps, with shewing here and there some of its more fruitful spots.

Before we proceed, it may be necessary to consider for a moment the obvious purposes

that are meant to be answered by the study of history.

In the first place, we have to ascertain dates and facts for the simple purpose of obtaining and settling our chronological information; this is, doubtless, a necessary and useful acquisition, but has little to do with the subject at present before us. It would certainly be a matter of reproach to a well-educated man, or to one who passes for such, to be ignorant of those general historical truths which industrious and learned annalists have handed down for the benefit of posterity; yet, on the other hand, it will be difficult to perceive how a man must necessarily become a better English lawyer in proportion to his dexterity in ascertaining the disputed epochs of antiquity, or in settling the modern controversies of later historians.

This appears to have little to do with the business; therefore, in the second place, I observe, that the student must peruse the histories of the present and of preceding ages, to aid him in forming a proper style for narrative; a thing, as we have formerly observed, of greater difficulty than men are generally aware: and to this end, works of the best reputation may be read with great advantage; but discrimination is here very necessary, because the language wherein great and public events are to be recited must differ in many minute respects from that

in which the tale of private transactions is to be told: true it is, the genus of these styles or modes of language is one, but their species are various; they must both partake of one clear, copious, simple nature; they must both possess the regularity of order and connection; they must both equally adhere to truth; for these are the indispensable signs of their common and intrinsic nature; and a true estimation of this cannot, in my apprehension, be learnt in a better school than that of history; but the language appropriate to these different uses must be of different species; and, in regulating our choice of this variety, we must be governed by the dignity of the persons concerned, and by a just notion of the circumstances under contemplation.

For example, that majestic elevation of language in which the historian would describe the wrongs that one powerful nation had exercised against another, would be somewhat lowered to narrate the facts of a controversy between two individual princes of these countries, relating to their private capacities; yet, in regard that all such controversies must, from the exalted rank of the parties, have more or less to do with the public weal, a solemnity in the language would be preserved, which would distinguish it again from that wherein the disputes of noblemen and private gentlemen would be

told; yet even here, because such characters are supposed to have a nicer honour and a more extended property at stake, there will be a greater weight and energy in the expression than will be sought to be preserved, when, lastly, the quarrels of men in a humble condition are noticed.

Although every eminent historian may have perceived and endeavoured to preserve these various gradations in his style of expression as a general doctrine, still he will have preserved them in his own manner; and as the choice of this manner must have depended upon nature, education, and many other adventitious circumstances, so will it naturally be superior in one and inferior in another: the manner, therefore, in which these gradations have been preserved, and not the mere preservation of them, is the test by which, in this respect, we are to judge of the excellence of our model.

But there is another ground of distinction to be observed, the perception of which will arise in contemplating the models we adopt; this is the situation of the speaker: for instance; in relating a series of facts that make up a story of any given importance, I am to consider, in the choice of my language, where I am and whom I am addressing; whether in public or in private, in a court of justice in my professional capacity, in a circle of friends, or domesticated

with my family : in all these situations I should still endeavour to preserve in my style those genuine and original characters of narrative which have before been mentioned ; clearness, copiousness, simplicity, order, connection and truth : but would my choice of words be the same ? surely not : would my expressions retain all the ease and familiarity before a juridical assembly, that had been indulged at my fireside ? hardly would this be the case ; the common feelings of our nature would not suffer it ; those feelings, which, in many cases, would be our best guides to the nice discriminations that mark the man of genius, if we would but suffer them to operate.

Thus I think it appears, that history is, in this particular, no inferior preceptor. But two other ideas also present themselves : first, we must be very careful in the choice of these historical models ; and, secondly, in our earlier perusals of them, we ought to be under the tuition of experimental wisdom : in plain language, some wise and learned friend should both point out the historians and assist us in reading them.

I trust these observations, which are very few of those that spontaneously arise upon the subject, will not appear chimerical to you. Indeed I am under little apprehension on this score, as these two things are confessedly notorious,

viz. that men of genius do differ in their style, and that, in a thousand instances, the circumstances of this difference are of a nature too minute for the description of common pens : many are willing to declaim upon the difference I have mentioned, but few are able to analyze and describe it. . . .

In the third place, I observe, the works of eminent historians are worthy of the student's contemplation, as examples of the manner in which the connection between the narrative and the reflections upon it is preserved : although these examples occur but sparingly in the best writers of history, it is impossible for an active and a reflecting mind wholly to avoid them ; and this may be more particularly recommended, because they who have excelled as historians are deservedly ranked amongst the most elevated of those who have adorned the literature and strengthened the wisdom of the ages in which they have lived.

I have before remarked upon the frequency of the confusion in which public speakers involve their facts and their inferences : this is a fault of a very disgraceful nature ; and, from a variety of circumstances, it will be frequently the fault of young and inexperienced speakers.

And here two objects arise to our notice ; first, the diversity of the style of observation and argument from that of narrative ; and secondly,

the art by which these two characters are at once united and kept distinct.

Of the first I shall do little more here than merely state to you, by way of recollection, that there is a difference, and that a material one, between the style of narrative and that of observation and argument, because you will find, in some former letter, all the remarks that I thought proper to make upon it, only adding that, in the latter, there is a freedom for the spirit and genius of a man to operate, which the former, however meritorious and well-executed it may be, will not afford.

With respect to the second, it will be worthy of observation, with what apparent ease yet with how much reality of design, they who have excelled in the science of history have gone from the simple, cool language of relation, to the enlivening sounds of reason and philosophy; and how aptly the change has been fitted to those opportunities which the historian has thought proper to seize, of impressing his reflections upon the attention of his reader. It is not the business of a work like the present to point out particular examples; nor would it be of much avail where they are so numerous, and where so much ought to be left to the care and industry of the student: I forbear, therefore, to select instances of this incomparable kind of eloquence with which the

best historians of our own and of other countries abound; suffice it, there are many noble examples of it to be met with by the diligent and discriminating student.

See then another reason for my recommending to you, as a student of the law, the study also of history. Do you wish to acquire that diversified power of style, that art of connecting your reasoning with your narrative, which at once embellishes and impresses it upon the recollection? Study the eloquent historians who have not only manifested the labours of diligence and accuracy in the collection and arrangement of their facts, but who have evinced in their observations that knowledge of the human heart, and that acquaintance with the world, which are so necessary to the advocate.

Fourthly, a reason more important than either of the former now presents itself to confirm the necessity of the historical study; the clear understanding of the foundation and origin of laws; and, in pursuing this idea, I shall consider two things; first, that such an understanding is very necessary to the advocate; secondly, that the study of history is the best, if not the only way to it.

First, to assert that he whose professional life depends upon his powers of reasoning and argument, and whose arguments rest upon his knowledge of the laws, may be ignorant of the circumstances that have contributed to the for-

mation of their original nature, and succeed, is an outrage upon common sense : as well may you say a statesman can govern without a knowledge of the genius of the people whose affairs he is to direct, or a physician judge of a disease without an acquaintance with the previous and accompanying symptoms, as that a lawyer should understand the laws of his country, while the events that gave them birth, and the systems by which they have been formed, are unknown to him.

Systems of law were the natural result of civil combinations of men ; these combinations, as they multiplied, became, in various ways, connected with each other ; thence followed an intermixture of legal systems, till it became impossible to find, amongst the polished states of society, any system of jurisprudence that has retained its primæval simplicity and independence : this is eminently the condition of the system of English law ; and, of course, it must require a more than commonly extensive acquaintance with history, to trace to their foundation laws that partake of so multiform a nature, and which have been the produce of such complicated events.

Our early system, or what we call our common law, founded on the law of nature and reason and the general custom of the realm, and handed down by tradition, use and experience, appears to have been, for the greater

part reduced into one body and extended equally to the whole kingdom by Alfred. Our statute laws have chiefly arisen from causes of various natures; the irruption of a turbulent and crafty race of foreigners, who brought with them a system of subtleties and customs composed of a strange mixture of barbarisms and of doctrines of the canon and civil laws; the violent internal struggles between the various parties, civil and religious, that during many ages distracted the kingdom; the various changes of tenure; and the gradual increase of political knowledge, of commerce and national wealth; so that he who would pretend to the character of a lawyer, in any elevated sense of the word, must imbibe the principles, not only of his native system, but also of those foreign systems which have been brought here by the circumstances at which I have hinted, and which have so effectually insinuated themselves into every part of the juridical polity of this country, that no art or power is adequate to root them out.

I secondly observe, that in order to understand the true nature and spirit of our present system of laws, it will be necessary to view it in its origin, and to accompany it in the several stages of its progress; and if this be granted, of which I think there can be little doubt, it next becomes a question, what means are the

best for the attainment of this desirable end : and here the study of history presents itself to our notice : in works of this nature are contained the exposition of those secret sources from which have sprung the mutations that have, from time to time, affected the nature of our laws : here are to be found those hidden causes that not only enable us to judge of the facts, but of the motives that produced them.

This will appear most strongly to be the case when we reflect, that many new laws, and many alterations in established systems of law, have derived their origin from causes that are most naturally connected with the human character. For what changes have not a whole people been indebted to the caprice, the folly, or the wisdom of a monarch : what trifling and apparently temporary events have not been the occasion of alterations in the juridical polity of a country, as extensive as they have proved lasting : how often has the ignorance or the ambition of legislators given birth to laws of injustice and oppression : how frequently have those laws, which were salutary in their origin, been suffered by indolence to remain, when by the changes in opinions and customs, to which all human affairs are liable, they have become at once unfriendly to liberty and disgraceful to reason.

History presents the powers and the oppor-

tunities necessary to this research; her pages will unfold to you the learning by which you will be enabled to trace the laws of your country to their earliest birth, and mark their genuine character.

Fifthly, the study of history will enable the student to attain enlargement and elevation of mind. This is an object which few have considered as unworthy of attention, it is, indeed, the work of history in common with philosophy; but it may be remarked, that of these not only the application and the effect are materially different, but the sources also from which they spring: the one, from a long succession of the external movements of nations and their rulers; the other from the internal perceptions and feelings of the heart and mind.

In an appeal to sober sense and to experience, the advantages that arise, in this respect, to the advocate from the study of history will presently be found of great value; they form a forcible contrast with the disadvantages that frequently result from an ignorance of that science. How often would it have proved a tedious and almost insupportable task to those, whose office it is to hear and determine upon the arguments of counsel, had they who have filled the character of an advocate at the English bar been generally unversed in the events recorded in history: how

confined would have been the legal notions of our courts: how spiritless, and perhaps, unjust their interpretations of the law, had they who preside in those tribunals derived their principles of truth, in the administration of civil and criminal justice, from the letter of the law alone. On the other hand, what grand and striking displays of the reasoning powers, what extensiveness of remark, acumen of comparison and power of combination mark the argument of the advocate whose mind has been illumined by a contemplation of the hidden causes from which, as we have already remarked, laws in particular, amongst all other human subjects, derive their true character and complete force.

Sixthly, the study of history has the peculiar excellence of uniting in itself those two valuable qualities, the combination of which has always been recommended to our attention, the useful and the agreeable.

The capacities of the human mind have been repeatedly found, in its present state of existence, too weak and too limited for a continued exertion in researches into profound and difficult science; and, perhaps, there is no one among the sciences of a more unpromising entrance than the law; some object of amusement and relaxation is therefore particularly neces-

sary to men thus engaged, by which the asperities of study may be softened, and the wearied powers restored to their proper tone.

These objects of amusement ought not only to be free from every quality that may tend to enervate the mental powers, they ought positively to possess influences friendly to the increase of those powers, that the student, while he is seeking repose from the fatigue of study, may not lose the advantages that have not been obtained but by unwearied diligence and excessive labour.

History here presents herself in a less majestic, but, perhaps not less pleasing form ; she courts the philosophic and inquiring mind to unbend itself from a severe exercise by the easy contemplation of that varied succession of events and delineation of character, by which, whilst it entices the most vacant curiosity, charms the imagination, and adds strength to the most accurate judgment : she leads the delighted recollection through a thousand scenes, that awaken in the breast those generous sensations that peculiarly distinguish the exalted character ; and whilst curiosity is aroused, and eager to pursue the increasing train of events, it is ever and anon engaged by the contemplation of some newly discovered source from which customs have arisen and laws have

sprung; of which the student, it is true, has frequently heard, but of which he understood not the character, because he knew not the cause.

Further, the perusal of the lighter and more entertaining parts of history as an amusement, is a manly recreation; and there is something indescribably grateful in the sense that a man has of not having debased himself even in his looser moments: I would only consider it in this light; I would set aside the idea of connecting the contemplation of history, as a study, with the study of the law; I would forget, for a while, that, by this contemplation, language, connection, a clear understanding of the origin of laws, and an enlargement and elevation of mind are to be acquired; yet even here it appears to be worthy of the close attention of the student; for I would remark, that our amusements, like our studies, acquire an agreeable or disgusting character from the manner in which we use them.

Again, by thus making history contribute to your amusement, your memory is insensibly strengthened. We are led to exercise the memory in things that are pleasing to the fancy, until, by degrees, it has attained to a habit of retention, which it will not fail spontaneously to exercise over subjects, that, from the dry unin-

teresting quality incident to all first principles, are apt to slide away imperceptibly from its power: the utility of such a habit cannot but appear in a moment to the most cursory observer. Of all the professions, the law has the greatest occasion for the memory, and is, perhaps, at the same time, the most repugnant to its influences.

You will recollect, that in this, as well as in every other pursuit, the good effects of our industry cannot be immediately perceived: our impatience, in this respect, is a rock whereon we often split; we cannot bear to labour without enjoying, at the same moment, the fruits of our labour; we would snatch at reputation and riches in a moment, forgetting that these, the former especially, are the growth of time and perseverance: we are anxious to fill up the measure of our wisdom, not remembering that such an anxiety is inconsistent with the very wisdom at which we aim: the progress of the mind is subject to that universal law by which the progress of all other things is regulated, and which has ordained, that great acquirements of strength or knowledge are not to be suddenly obtained.

Apply this to the study I am now recommending to you: you may not, perhaps, at first sight, perceive the advantages which the perusal of

history will present to you as a lawyer : but regard not this ; read on with diligence ; persevere ; and unless I am deceived, you will, in the end, find no reason for regret.

LETTER XLII.

BUT there is a course of study which may be said to form a part of the subject of my last letter, and which, before I proceed to treat of religion, I would particularly recommend to you, because though it has never yet I believe been attended to as a systematical part of the legal education, it appears to me to furnish the only means of acquiring a branch of knowledge very material to the character of an advocate.

The study I mean to recommend to you in this letter is the origin of laws and their subsequent connection with the political circumstances of various ages and countries, the different characters they have taken from the despotism of princes, the turbulence of nobles, and the art and restlessness of the lower orders ; to compare the laws which have been enacted in any given country, at one time, and

under the influence of certain events with those which at a subsequent period, and under different influences, have been given to the same people : then again to compare the laws of another country with those of the former, under circumstances of a similar nature ; and so investigating the reasons why similar circumstances in different countries and in different ages, should produce laws so dissimilar in their apparent, if not in their real nature : thus going through the histories of the most civilized countries, until you come to your own, which will, of course excite your most industrious and curious inquiries.

You will perceive, in the prosecution of this study, a thousand secret sources, whence laws have sprung, of which you had no idea ; and hence you will be enabled to appretiate their character ; since many laws, which in their first formation, were just or unjust, being so only in regard to their connection with local circumstances, may have utterly lost their original qualities, and have acquired new ones under the influence of new and different circumstances.

Again, by comparing the laws of one country with those of another, enacted, perhaps, amidst events of a similar nature, you will learn to estimate the true nature of national character, and to investigate the qualities of those laws that

have derived their birth from it : this is a power which, if you rise in your profession, you will find more valuable than you may at first imagine; should such be the consequence of your well-intended labours, you may have many occasions that you cannot now foresee, wherein the illustrations to be drawn from this store of science, will prove at once useful to your country and honourable to yourself.

This comparison you will naturally extend to the laws of England, partial as you must be to her as your native country, and justly renowned as she is for her enlightened system of jurisprudence; you will thus be enabled to understand and prize the freedom you possess, and to heighten your enjoyment of it by the contemplation of the contrast in her favour, which such a comparison will most certainly produce.

Connected with this study are those also of religion and philosophy: be not surprised that I speak of this union; for surely the lawyer who treats with contempt the principles of religion and philosophy, who has never discovered and investigated their connection with the study of law, however he may be esteemed for his practical adroitness, or may make his way by his industry, will never deserve the honours that are due to the character I am in this work endeavouring to depicture.

You have found in the letters already written; and you will most assuredly find in my future letters upon this subject, that I have attempted to inculcate precepts of mechanical industry, even down to what you may be inclined to consider as a drudgery unworthy of a man of liberal education; there can, therefore, be little reason justly to suppose, when I seem to put this industry and its utmost attainments in the back ground (which is their proper place), that I mean to treat them with contempt; but I must observe, once for all, that as far as the great and broad principles from which the spirit of laws itself derives its birth, are superior above the formalities of practice, so are the labours by which a knowledge of those elevated and various principles is acquired to be estimated as proportionably more valuable than the industry which put us in possession merely of those formalities.

Upon this ground I strenuously recommend to your attention, previously to your engaging in the more humble, but certainly more immediately useful business of practice, the study of history, of religion, and of philosophy, and of their connection with the law of England, and consequently with the grounds and principles of the law itself.

We have already enlarged upon the nature of the connection between these studies, and you

have perceived the advantages which an attention to that connection will produce in the course of your future life. More upon this subject, therefore, is not necessary; but before I conclude this letter, it will be as well to give you my idea, in a word or two, of the best means by which you may be able to effect the completion of this branch of study.

You will hardly esteem yourself capable of being, with any great effect, your own instructor in the execution of this plan of study; I would therefore recommend it to your consideration to place yourself as a pupil with some barrister of ingenuity and learning for the term of two years or longer, under whose directions you may be enabled to advance in this interesting pursuit.

Many words are unnecessary in describing to you what I conceive to be the necessary qualifications of such a person; but I should not do my own design justice, if I were wholly to omit this.

In the first place, then, the person under whom you place yourself must be known to you as a man of more than ordinary parts; the reputation of being very clever, very shrewd, and so on, will not in this case do; these are qualifications that, alone, will not enable any man to instruct you; he must be a man of extensive reading, of profound observation, of a solid,

penetrating judgment, and capable of communicating the information he possesses.

In the second place, the less business he has in the courts the better. If, indeed, you are able to find any gentleman of this description, who is practising under the bar, I would prefer him; for it must be obvious that he will, from that circumstance be the better enabled to attend to you.

Thirdly, he must be well acquainted with general literature and with the theory of law, both with regard to the municipal systems which prevail in his own country, and to those which foreign nations have agreed to adopt: and if he be the man I would for your sake wish him to be, he will have acquired some degree of knowledge in the practice of the English courts.

Fourthly, but what is of equal, if not of superior importance to every other qualification, he must be a man of the world; he must have seen and observed more than one side of human life; for if this were not the case, I should fear that what he effected with one hand, the other would as quickly demolish. Men, whose lives have been led in the cloistered retreats of learning, however well they may be stocked with the information which is to be gained from books, are still subject to prejudices and partialities which have an unhappy tendency to shut up the mind in systems, and to restrain it from

liberal views and sentiments : it is to lay a foundation for views and sentiments of this very nature, that I propose the plan of study of which we are talking ; and nothing so effectually promotes such a design as a power of discerning the human character ; this power is not to be completely acquired but by conversation with mankind, which also best enables us to investigate that secret and copious source of knowledge, our own heart.

I content myself with this rough sketch of the character of your future master in the study of history, religion, philosophy, and the grounds and principles of law.

And now I beseech you, my friend, to review with impartiality and attention the letters which immediately precede and that which immediately succeeds this. Do not be led away by an idea that I have been proposing to you studies that are either useless or impossible : an idea that will never want supporters amongst the idle and the dull : I acknowledge that the path I point out is not worn by the tread of multitudes : but that is no reason why it should be wholly neglected : they who have walked in it have found it lead to riches and fame, and, to what is of infinitely greater consequence than either, to internal approbation.

One thing further has struck me : You

may probably object, and I am willing to anticipate the objection, that it may be no easy matter to meet with such a man as I have been describing to you in the profession of the law; and you will say, that among the professors of the *belles lettres*, the legal information wanted will scarcely be found adequate to the purpose. Where then, you ask, are you to look for the instructor I have been recommending to you? where, indeed, if both these suppositions were founded in truth: happily, this is not the case: I can easily conceive, to be sure, that many persons may be attached to various, and even to profound research, without feeling much desire to investigate the principles and the practice of our law; but I do not find equal difficulty in discovering the lawyer who has acquired every branch of legal learning that you can want here, and who has dived also into the recesses of historical, religious and philosophic lore: I could not esteem the profession, and the professors of the law as I do, if I did not feel a conviction that, amongst them such a character may be met with; and, indeed, I am deceived in my opinion, if the abilities which are requisite to constitute it, are not more abundant among the gentlemen of the long robe, than those more airy and prominent talents that lead immediately to business at the bar.

As to the times or divisions of your general studies, or by what particular books they will be best promoted, it is no part of my plan to determine ; as you seem desirous however of some general directions on these points, I will make them the subject of a future letter.

LETTER XLIII.

I AM now to treat of Religion, and of the claim it has of the acknowledgement and support of the advocate.

The worship of a Supreme Cause, and the belief of a future state, have not only, in general, been concomitant, but have so universally engaged the concurrence of mankind, that they who have pretended to teach the contrary, have been looked upon in every age and state of society as men opposing the pure emotions of our nature. This Supreme Cause, it is true, has been prefigured to the imagination by symbols suited to the darkness and ignorance of unlettered ages ; but the great and secret Original has nevertheless been the same in the contemplation of the simplest heathen and the most refined christian.

There must have been something exceedingly powerful in an idea that has made so prodigious a progress in the mind of man. The opinions of men, on almost every practical subject, have experienced a thousand changes; kingdoms that have been most potent have been removed; the form of the earth itself has undergone various alterations; but, amidst these grand and ruinous concussions, religion has remained unshaken; and a principle so consentaneous to the formation of our nature must remain until, by some power, of which, at present we have no conception, the laws of nature are dissolved.

A sentiment so universal must have its foundation in truth; for men may rest in truth, but they never can rest in error; and, to acknowledge its influences must be the spontaneous and natural effusion of a love of truth; and the love of truth either is or is affected to be the character of those who have dedicated themselves to the study of our laws.

Thus naturally, even upon the first glance, do the characters of the lawyer and the supporter of religion meet; the conclusion must be, that he who affects to doubt of the fundamental truths of religion, much more he who openly dares to deride them, is dissolving by fraud, or rending by violence, a tie which all good men have agreed to respect.

Let us now inquire in what points of view religion comes recommended to the notice and veneration of the student.

And we will confine our discussion, which shall be as brief as possible, to two points: first, the intrinsic dignity and purity of religion, considered with respect to a future state, and to its influence over the morals of men; and secondly, its connection, in a political point of view, with the various conditions of society, and with the laws by which they are regulated. The first, it is true, relates to the advocate merely as a participant with other men in one common rational nature; but it relates also to his individual and abstracted character, and as such, is surely not unworthy of his consideration. The second claims our notice, as intimately connected with that individual character alone.

It is evidently a false idea that religion is a visionary speculation, unworthy the serious regards of men who are engaged in the pursuits of scientific and philosophical learning: religion performs that which philosophy, considered as distinct from it (and which, in such case I call philosophy only to accommodate myself for a moment to the language of fashion), cannot do; she carries the mind up directly to the Eternal Source of knowledge, while this boasted philosophy, confined to the present limited sphere of action alone, serves only to bewilder us in

the mazes of doubt and error, which itself has formed : it is ever employed in raising questions that it has neither power nor inclination to solve. Religion enlightens the mind ; she enables it to fix to every acquisition of learning and of virtue its proper value, and to discern its appropriate nature ; she ennobles it, by the simplicity of truth, that disdains those quibbles and that little war of words that have disgraced the ancient, and that continue to degrade the modern schools ; but this favourite philosophy, which its adherents would fain palm upon the world for a novelty, is continually employed in inventing sophisms that spring up only to be defeated by the common sense, and to be overthrown by the daily experience of mankind.

Consult the works and the lives of them who have embraced religion and rejected this false and foolish philosophy ; compare them with the works and with the lives of the men who have laboured to destroy the one and to establish the other : and here, as to the former, I need only desire you to look into the list of those whose names have dignified our laws ; see the openness of their language and their conduct ; all is manifest and clear like the light from which they are derived : how different from this are the obscure surmises, the dark hints, the querulous doubts of the contrasted character ! What is there that is generous or

noble in his arguments? Do they tend to discover the truth with simplicity? Do they not rather endeavour to entangle it by the subtlety of disputation, or overpower it by a multitude of words? That which is true is single, and its language goes directly to the understanding and the heart; that which is untrue, but which nevertheless assumes the appearance of truth, must be double, and its language consequently perplexed; it has, indeed, a twofold task to perform; it has to conceal its own secret and genuine character, and to support a borrowed one: keep this idea constantly in your recollection, and you will presently be able to admire the character and the works of the one, and to detect the assumption and designs of the other.

Now if this be true, I would ask you whether you think yourself, as a lawyer, wholly independent of the influences of religion: do you think it beneath you to receive expanded ideas of truth from the same source from which those great men have received them, greater than whom we can scarcely hope to behold? Or do you prefer to such clear and enlarged principles, the petty inventions and indecent quirks of human subtlety? I have before hinted, and I here repeat, that no man who delights in the latter of these will ever do honour to any situation in life: but most unequivocally will he disgrace that character that

has to do with the explanation and the business of the English laws ; and therefore, if the contemplation of the dignity and purity of religion will exalt the mind to the plainness and simplicity of truth ; if plainness and simplicity be contrary to the finesse and subtlety of the philosophy I have mentioned ; it will require no uncommon portion of sagacity to discern, that the advocate is materially interested in the cultivation of the one and the destruction of the other.

It appears to me an ungracious, if not a difficult task, to account for the unwillingness that men of learning discover to the avowal of any religion ; though at the same time I am ready and happy to grant that many may affect a reluctance upon this head, which they do not secretly possess ; that which is dignified and pure seems to be naturally congenial with the influences of learning and wisdom ; religion is dignified and pure ; religion, one would think, would be therefore universally accepted and openly acknowledged by those who are alive to the influences of learning and wisdom ; but I apprehend the truth to be, that there is in the world a very small number of deeply learned and truly wise men, many who have taken up these characters being only, in fact, mere smatterers in knowledge.

And here the coincidence between the dignity of religion and the excellence of the character

of a lawyer appears in a new light ; a smatterer, a mere superficial taster of knowledge, is as incapable of understanding the nature of religion, as he is of becoming a consummate lawyer : great depth of penetration, acumen of remark, and patience of investigation are equally the characteristics of the one and of the other : and it is doubtless worthy of serious observation, that the greatest lawyers which have been produced in this country, within the last two centuries, have been men acknowledging, in plain terms, the government of a Supreme Being, and the hope of a future state ; men, not seeking to perplex the human mind with uneasy doubts and far-fetched sophisms, but labouring to exalt learning and the sciences, by demonstrating their progress from the same Eternal Source from which religion itself has sprung.

Emulous as you are of the honour that will ever attend excellence in every other part of your studies, and of your future pursuits, can you see any reason why your emulation should decline in this ? If religion, as flowing from the Almighty Spring of truth and justice, be the pure and dignified principle I have asserted it to be, its influences cannot have the effect to debase and degrade you : have they debased the great men to whom I have just alluded ? have they not rather been the very means of their exaltation ? And what power, think you,

should operate to alter the great law of nature as to cause and effect with regard to you? Be content, nay, be happy that religion presents you with those enlarged and energetic views of truth that will enable you to rise a superior being in this world and in another.

I have in some of my former letters, endeavoured to impress upon you the necessity of attending to the practice of the moral science; now of this science religion appears to me to be at once the source and the perfection; it is that which not only leads us to the performance of our duties, but teaches us to understand and define them: it should seem, therefore, that a refined and useful morality is but a consequence of religion; and morality is clearly necessary to the completion of the legal character.

I insist not here upon the validity of the Holy Scriptures as containing most clearly the pure dictates of this religion, because it is beyond my purpose to engage in defence of particular modes or opinions; I shall only observe, therefore, that it appears somewhat strange that men who confess their belief in a natural religion should hesitate to receive the sacred writings, which contain the most beautiful and clear expositions, not only of that belief itself, but of the duties that spring from it: however, I would have you read them with coolness and impartiality; compare them with other com-

positions that affect to contain the principles of religion and morality ; and if you find in them a language and design of a superior nature and congenial with the unbiassed sentiments of your heart and mind, adopt and retain them ; and be not so little of a man as to appear ashamed of that which your solid judgment and natural feelings have engaged you to adopt and retain.

It is the nature of religion to preserve unbroken that secret chain by which men are united ; and as you are interested in common with the rest of your species in its preservation, particularly does it become you, as a professor of those laws which are one of its instruments, to display an anxiety to guard it from violence or contempt : yet how do you do this, if you devise doubts yourself, or listen to them who devise doubts of the existence or authenticity of religion ? It is the great aim of those who would overturn the peace and order of mankind to undermine the foundations of religion, by starting doubts and proposing questions, which, being artfully calculated for every turn, are apt to dazzle and confound the common apprehension, like that famous question of the Elean philosopher, Can there be any such thing as motion, since a thing cannot move where it is, nor where it is not ? Yet, by questions of an equally foolish and unmanly nature, do many persons, of no inferior learning or capacity, suffer their time and

their attention to be miserably wasted ! But do you not perceive the mischievous tendency of such questions ? Do you not see that, by rendering every principle doubtful, they loosen all those sacred obligations by which men are kept within the bounds of duty and subordination ? And shall you, who are continually in public to call out for the interposition of the law against injustice and wrong, be for ever, in your private parties and conversations, labouring to weaken every known and settled principle of justice and of right ?

Give me leave to say, it is a weak pretence that is made use of by those who are thus unworthily engaged, that they are searching after truth ; and indeed it is merely a pretence ; for it is curious enough to observe, that many of these searchers after truth are men who have been employed near half a century in this pretended pursuit, and yet have they not settled one single principle ; nay, they are more full than ever of doubts and conjectures : and as age and fatigue have exhausted their strength, and robbed them of their wit, their questions gain in childishness and folly what they lose in subtlety and invention.

But the men I mean are not searching after the truth ; for where is it to be found ? or who is to be the judge of it, when every certain principle is shaken or overthrown by which the

whence is this internal sense, this reflection, this beauty, harmony and connection? It is agreed, that neither man, nor any other visible agent, has produced them; yet they are. And is it not a natural conclusion, that they are the consequences of some mighty although invisible cause? Let us then be content to argue in this respect from the effect to the cause, and rest satisfied with that as a matter of faith which the reason of man has never yet been able to explain: reflect upon the thousands who are now in their graves, whose lives were spent in endeavours to ascertain that power which mocked all their efforts and baffled all their ingenuity: learn from them to confide in that first Great Cause, which, though it be hidden from your sight, you most sensibly feel, and against which your feeble arm is raised in vain.

If you will take my advice in this respect, I venture to say you will find yourself by so much the better and happier man. By possessing accurate and settled notions of the moral science, you will be able to act your part in life with the dignity of wisdom; and by possessing a firm and even mind, you will be free from those distractions from which the doubter is never free: the grand aim and end of knowledge, is to regulate our practice; and whence is this knowledge primarily to be acquired? from books? from men? No: by con-

temptation of these, it is true, our knowledge may be enriched and augmented ; but it must first spring from the secret source of our own bosoms ; these let us search with impartiality, and we shall need the assistance of no fine-spun theories, no finesse, no subtlety, to discover the truth ; truth, as I have before observed, is of a certain, simple nature, and accordingly all will be certainty and simplicity here.

With your mind thus settled upon the solid basis of truth, you will be able to pursue the honourable avocation of the bar in peace. Believe me, it will require all your strength ; you will have no time, if you attend to the duties of your profession, to be eternally cavilling about terms and principles ; and, in fact, it will be a mark of dishonourable weakness if these are found to be not well settled in your breast before you enter upon the career of public life.

Let us now proceed to the second division of the subject ; the connection that subsists between religion, in a political point of view, and the various conditions of society, and the laws by which they are regulated.

It no where appears, I believe, that there has been a state without an establishment of religion ; and in those nations who have existed under the influences of undebauched and simple nature, that establishment has been the chief concern ; it has been reserved for the happy ages of refine-

ment and philosophy to engender doubts of the existence of a Supreme, and boldly to overthrow his altars into the dust: yet few even of those who have been thus secretly crafty, or openly impious have opposed national establishments of religion; though they have not scrupled to turn them into contempt, by declaring them to be useful only for the vulgar.

In all well-governed states these religious establishments have been connected with the laws of the country in the same way that all other establishments have been so connected, namely, being subordinate to their regulation and government; but they become more interesting, and claim a greater notice than other establishments in proportion to the superiority of their extent and dignity.

If, therefore, it be granted as a fact, that religion cannot subsist in any country as a national establishment without becoming thus connected with the laws of that country, it must become so through the only two mediums through which all other things become the objects of their cognizance, the conduct of its professors, and its worldly possessions; for such is the power of all mundane influences, that not even the purity of religion can protect any regular system into which it may be formed, from the necessity of being supported by a certain degree of wealth and power, nor defend its professors from the

common weakness of humanity, all excesses of which it is the object of well-formed laws to restrain.

Wealth and power and the conduct of men are therefore sensible objects upon which the laws of a community operate, whatever may be their description, or wherever they are to be found within that community; and, although they may constitute the establishment of a pure and divine religion, yet must they, as subservient to its earthly purposes, be subject to all those transmutations that are unavoidably incident to possessions of this sort. Nor is there any peculiar purity communicated to the nature of these objects by the dignity and holiness of their religious possessors, whereby they are rendered too high or too sacred for the interposition of the law of the land.

This being the case, it naturally follows, that, with respect to these possessions, numerous embarrassments and misunderstandings will arise, which, but for some powerful interference, would shortly breed the utmost disorder amongst the professors of this national establishment; and the right of interference I have already shewn to be in the legislature of the country, till, by degrees, that portion of the law, by which these matters are ascertained and regulated, forms a very important object of the research and attention of the student.

That has become very ancient, the fact is the want of independence of the ecclesiastical jurisdiction, whereby to which the religious establishment of England has attracted in various directions and from numerous causes the notice of the common and statute law and of our courts of equity: so that he who is ignorant of the history of religion, in this view of the subject, is ill qualified to sustain with reputation the character of an English advocate.

In causes therefore that spring from this source you may, in the course of your future life, be frequently concerned: and I am anxious that you should be, in this as well as in every other point, well prepared with all those sources of argument, proof and illustration, which can, indeed, be in the possession of him only who has taken repeated, accurate and extensive views of the subject.

And this, you will remember, my friend, is not to be done with little labour, or in a moment; since even were you inclined to rest contented with a knowledge of its technical parts alone, to which I recommend a most diligent attention; yet the number of statutes that have been passed, and the variety of cases that have occurred in this department of the law, will prevent them from being presently engrafted upon the recollection; but in truth,

my opinion in this is the same that has been heretofore given you upon other branches of this extensive study: a technical knowledge, however valuable and necessary, will never of itself be sufficient to render a man excellent in his profession; and you will therefore have a still greater task to perform in the perusal and digesting of the best authors who have written upon religion, and upon the numerous forms and establishments it has assumed.

It will not, I apprehend, be sufficient for this purpose to have an acquaintance with the present state of the religious establishments of your own country, or with that establishment only; your researches must go back to the earliest authentic ages, and extend to the remotest periods of other countries: by these means alone you will be enabled to enlarge your mind, to place your arguments most forcibly, and to illustrate them in that manner which is peculiar to a few, because to a few only belong the opportunities which patience and talents present of investigating the subject and tracing it to its source.

If you desire to know upon what subject this power can be most worthily exercised; I answer, Religion in all its varieties; of its purity as it came forth from the hand of its Omnipotent Founder, and of its degeneracy under the operation of human influences.

Persevere then in tracing, by labours of this nature, the forms and laws of religion to their source; the reward will not be disproportionate to the labour; you will not only be enabled thereby to stand as an advocate upon a very superior ground, but you will also establish your mind in the religious, philosophical and moral sciences; you will read the human character in all its multifarious descriptions; you will meet it in all its varieties, and detect it in all its hypocrisies: this may not be a very pleasing task, but, to an advocate, it is a very necessary power.

The religious, like the civil part of the legal institutions of this country, is connected with those of other countries; occasions, therefore, sometimes occur, in which the latter may, with great beauty and propriety, be introduced to corroborate and enforce arguments that arise from any legal discussion of the former: hence the necessity at which I have just now hinted of extending our researches beyond the boundaries wherewith a fondness for our native country or a regard for the present age may surround us: this practice is sanctioned by the examples of those who have left behind them lasting monuments of learning and wisdom: they overcame prejudices; they attacked and examined, without fear, opinions that had been well received and established in the world, but

they did not assail the eternal principle of truth as founded in religion ; they therefore contemplated its works and surveyed its hidden springs in the writings of those who, in whatever country or in whatever age they lived, have gained the applauses of mankind for their learning, their wisdom, and their virtue : by these means they have themselves become the lights and ornaments of that system of which they formed a part. By the same means you may at least attempt to fill up a character of similar honour ; and they cannot be more gloriously or usefully exerted than in acquiring a knowledge and in establishing the principles of religion.

Nor is even the common business of the lawyer unfriendly to the serious disquisition ; the history of a long law-suit may be considered as no contemptible lesson of morality ; what is this history but a tale of race following race in a rapid and melancholy succession of contrivance and industry ? Amidst the sombre train of dusky parchments, Religion sometimes has condescended to rear her holy front : in the perusal of these discoloured monuments of human prudence ; you behold the inevitable consequence of our most anxious care : the extravagant mortgagor and the parsimonious mortgagee, the crafty buyer and the careless seller, the provident father and the impatient heir, are all gone down to the dust together ; and nothing

now remains of them to create fear or excite hope, but the legal instruments they have left to their posterity!

You have now my sentiments upon the connection between the study of the law and philosophy, history and religion: I hope sufficient has been said to interest you in the pursuit of it.

LETTER XLIV.

YOU wish to know my opinion of the utility of spending a twelvemonth in the office of some reputable attorney, and whether, should I think it advisable, it ought to precede your entrance into a special pleader's or draftsman's office.

In cases of this sort much certainly depends upon the age and character of the student, and precaution is necessary, since there is a peculiar danger as well as advantage in the connection that a young man is naturally liable to form by sitting for some time at an attorney's desk.

It is perfectly clear, that acquaintance with the forms and nature of actual business

must be of great service to a barrister where it can be acquired ; and though I am not inclined to disagree with those who think that too familiar an intercourse between the tricks and finesse of a dishonest attorney and a barrister unmindful of the dignity and elevation of his professional character, is possible ; yet I cannot but be sensible also of the deficiency of some very sensible men who come into our courts in the forms of business, too clearly displayed, indeed, in the hesitation and embarrassment that attend the infancy, and sometimes even the maturity of their practice.

These are two extremes which you will do well to avoid : nothing can be more disgraceful to you than a familiarity with the quirks and quibbles that belong to cunning and unprincipled people ; while at the same time the most palpable inconvenience and sometimes loss may be the result of ignorance of the daily practice of the courts, and therefore, if any mode can be pointed out by which these evils may be avoided, it will surely be worth the student's while to attend to it.

One mode by which this may be effected is an attendance for some time in the office of an attorney of high character and extensive business, where you will see a constant repetition of forms, an acquaintance with which is necessary to complete the character of a man of

business, and produce a facility in the conducting your future causes. In this scene, so perfectly new to you, and so different, in all probability, from every thing you have hitherto seen, you will discover the first principles and secret springs of those movements by which most of the actions are agitated that call for the decision of our courts of justice ; for whatever may be the respectability of the attorney in whose office you may think proper to place yourself, still it is the indispensable nature of that department of the legal profession to have to do with men of all descriptions, and, amongst the rest, with attorneys whose business it is to wrest and subvert the necessary forms of law to the nefarious purposes of fraud and oppression.

But at the same time that this mode of proceeding may be recommended to you, I am aware there are some disadvantages which might attend the carrying it into a system.

I will mention one, it is the danger of acquiring a mechanical habit. It is not the business of an attorney's clerk to account for the grounds of the practice of which he is in the daily execution, to be expert in the technical and active branches of the profession is his utmost aim ; and, perhaps, it may be as well that it is so : but that is not nor ought it to be the case with the student ; he has other designs ; his views are far more extensive ; but example is

contagious; and that which a young man is in the daily habit of contemplating in others he will be in no small danger of appropriating to himself; he will therefore, perhaps, run a risk of losing his ardour for knowledge amid the fancied acquirements of business; and the enlarged perceptions of his mind may be degraded to the petty designs of trick and artifice: but as this is not, I think, an unavoidable consequence, it may not be amiss to see for a moment by what means the advantages I have hinted at may be obtained without making the risk of disadvantage too great.

To effect this purpose the principal object of your care must be to fix yourself with an attorney of a practice at once extensive and irreproachable: such a man is most likely to be a person of information himself, and to employ those who are of that character in the management of his business.

In the next place you will find some advantage in attending to the mode in which business is conducted in the office where you may intend to place yourself. Some attorneys have but one office, or two at the most, and those upon the same floor; others have a variety of offices upon different floors; and this is usually the case with those of the greatest eminence; and in this respect, perhaps, it will not be proportionably useful to you to be in the office of an attorney

business, and produce a facility in
ing your future causes. In this
fectly new to you, and so dis-
bability, from every thing
seen, you will discover the
secret springs of those
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stay be long, nor
men of all the you do stay; three or
with attor fully sufficient for every pur-
subvert cy, and a longer time thus spent
rious prove productive of the mischiefs I have
favour'd to guard you against; but then,
time must be diligently employed. Argu-
ment would be absurd upon such a subject;
sense and reflection will be sufficient guides.

Thus have I pointed out to you some of the
advantages and of the inconveniences that are
naturally attendant upon an attorney's office,
and of the modes whereby the former may be
obtained and the latter avoided; and I have
said the more upon this part of the subject, be-
cause the idea of a student attempting to pre-
pare himself for the bar in an attorney's office
has been mentioned by a high authority in terms
of severe disapprobation; and most clearly would

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system of legal education deserve pointed
but I conceive there is a difference
at and the purpose towards which we

to the latter part of your ques-

to me but little doubt that

office of an attorney should

office of a draftsman or

the forms which are

, become, by degrees, less

and the student sits down at the

the pleader not quite a novitiate. This

, perhaps, a circumstance of greater import-

ance than young men are generally aware of.

There is nothing inviting, it must be owned, in

legal forms; and it certainly does require

a strength of mind which is not the portion of

many to bear an instantaneous acquaintance

with a branch of learning somewhat repulsive,

perhaps, in its first aspect, and rendered still

more so by the comparisons which we shall na-

turally be inclined to make between it and the

elegant and amusing study of the *belles lettres*,

or the freedom and liveliness of a course of

dissipation. Here, therefore, the mind may,

perhaps, be broke in, as it were, by degrees,

and this new labour to which it must, for a time,

be bent, may appear somewhat less irksome and

disgusting.

After all, however, I am rather desirous you

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should, apply what I have said to particular cases, than suppose, I mean to recommend a system; for, in the first place, as I have already hinted, it is doubtful whether it would be universally adopted with utility and safety; and, in the next, the majority of men going to the bar would never be brought by any motive to endure what they would esteem a vile and hateful servitude. It is true, to a man of strong understanding this last consideration would be of little weight; but, generally speaking, by the time the understanding is thus matured, it would be thought a season rather too late to sit down at the desk of an attorney, however extensive his business or honourable his character might be.

You must therefore judge in this matter for yourself; it is of a nature too greatly dependent upon particular circumstances to be easily, if at all, formed into a general rule.

LETTER XLV.

WHEN you have spent a sufficient time in the office of an attorney (if you think the step a necessary one), you will place yourself under the direction of some able

draftsman or special pleader, accordingly as you intend to practise in the court of chancery or in the courts of common law.

I omit to mention as a part of the system of your legal education, an attendance in the office of a regular conveyancer. Certainly there is engaged in this silent but important branch of the profession an immense aggregate collection of ingenuity and learning; and they who have attained to eminence as conveyancers, may be esteemed as great supporters and enlighteners of the system to which they belong; yet, had conveyancing been your only aim, there would have been little necessity for this correspondence: it is to fit you for the active and arduous business of the forum that I have laboured: the very nature of private practice would render a considerable part of such exertion not only useless but ridiculous.

The choice of any particular mode of life is certainly a matter of the utmost importance; our felicity and fortune are very often materially concerned in such a choice; we shall therefore do wisely to consult long and candidly with ourselves and our friends before we absolutely determine. In the law, I will venture to say, this deliberation becomes peculiarly momentous; every important consideration is involved in the consequences of a choice, which, at all events, places us in a public situa-

tion, where, of course, our weaknesses are more than ordinarily distressing, and our failure more than commonly disgraceful.

When the question is, whether your future exertions are to be made in the courts of equity, or in those of common law, it will be necessary for you, not only to consider the means by which you may best acquire a knowledge of the various modes of practice in those different courts, but, what ought to be of anterior, and is, without doubt, of more important consideration, you must endeavour to find out for which of these scenes, different as they are from each other, you are best calculated ; and in this case it would also be adviseable to go farther than your own private judgment : apply to one or two of your most intimate and best experienced friends, who have long been acquainted with your temperament, your modes of thinking, your habits of life, manners and abilities, and who are not ignorant of the nature of those scenes, in the one or the other of which you intend, at some future time, to move : by these means you will stand a good chance of escaping that secret rock, whereon so many are wrecked in the outset of their life ; an indiscriminate choice of profession.

It will not be useless in this place to remark that the practice of the courts of equity, and that of the courts of common law, may be con-

sidered in the light of two separate and distinct professions : the difference between them is as clear and essential as that which marks one business or profession from another : not only is the introductory learning of the one and the other of a distinct character, but the very constitutions and habits of these courts require, in the persons who practise in them, different descriptions of temperament and ability. This is a matter worthy of reflection ; and you can only be enabled to decide upon it by some attendance in the different courts, and a close attention to the modes of their proceedings, and the principles of their decisions, and by the observations and advice of some learned and experienced friend. If by the considerations arising from these, you are induced, on the one hand, to make the common law courts the scene of your future exertions, you will place yourself under a special pleader ; if, on the other hand, you prefer the courts of equity, you will seek for the assistance of a professional person technically known by the name of an equity draftsman.

Upon whichever of these two characters your choice may happen to fall, the same general rules for the direction of your choice, and for your conduct after it is decided, will hold good ; and what occurs to me upon this head I

will, as you desire it, lay before you with freedom.

It will also be necessary for you to be satisfied that your future instructor is sufficiently known in his line to have an extensive practice: carefulness in this matter is but an honest policy; nay, it is a duty which every student owes to himself: what can you expect to learn in the office of a man who, whatever his merits in other respects may be, has yet had little or no experience in the practice of his profession? He may be a man of good sense, and he may have collected a number of precedents; but here he stops: in the chambers of a man in full practice, you may have the benefit of both these, and of the living practice besides; and this latter is the thing that establishes whatever we want to learn. In seeking to acquire depth and facility in any science, we must not only know what has once been known, but must observe the practice of it in our own time: to this observation the study of the law is peculiarly subject; the current practice of which is constituted for the purpose of meeting the never-ending varieties of human weakness.

Another advantage that will attend such a caution in your choice will be the variety of business that will naturally pass before you: this is of importance; for it appears very obvious, that if you see but a confined line of prac-

tice, you must, when you come to act for yourself, find somewhere or other a deficiency ; and it will then, in all probability, be too late to repair a misfortune that has arisen, in truth, from your own negligence. Besides, as one part of practice frequently depends upon another, it will not be at all unlikely that, in addition to your total ignorance of some particular branches of your profession, your expertness in those which may have come under your cognizance, will be considerably diminished by the influence of that ignorance.

Again, you will have the advantage of being under a man of professional talents ; for it is not likely, in a profession which exercises the talents of a man, that any other than a person of ingenuity can reach to eminence in it. There are professions in which wealth or interest may procure success for the negligent, or eminence for the unworthy ; but what man will readily trust his cause, upon which his estate or his reputation may depend, to an indolent or unskilful lawyer ? The extensiveness of the draftsman or special pleader's business will, in a great measure, be a fair criterion of his talents ; and thus two very material qualifications in your future instructor may, by a very easy degree of attention, be presently ascertained.

But it will not be sufficient that the person

under whom you thus place yourself be a man of great business and talent ; he must be a man easy of access, and ready to give you information. This may appear to you but a trifling circumstance ; to me, I confess, it seems an important one : many things occur at the entrance upon every study that arouse a necessary and a laudible curiosity, and that demand immediate investigation ; the information you want is not perhaps to be obtained from the books ; or, at least, you know not where to seek it : if it be neglected for the present, it may be soon forgotten ; and the probable consequence of a frequent recurrence of these difficulties, will be disgust, inattention, and, in the end, a partial or a total failure of your design.

Further, let me here repeat the advice I gave you in my last letter respecting an attorney, not to place yourself with practisers of the highest class ; although I confess it is with no little hesitation that I repeat it, because my opinion in this respect may seem to militate against every received idea upon the subject, and because also I am not myself completely settled in it : however, it is clear, that in proportion to the number of his pupils, the time and attention of the instructor must be divided ; and the fact generally is, I believe, that not only an extension of business, but of the number of pupils also be-

yond the ordinary powers of the attention of a single individual, is generally the consequence of a more than ordinary name as a special pleader or a draftsman.

My opinion therefore amounts to this : that a person, whose business is extensive and respectable, without being so multifarious as to entitle him to a place with those of the very first rank, is the proper character with whom you should connect yourself as a pupil, inasmuch, as with such a man, you will have the fairest chance for obtaining the necessary information and advancement in your professional researches.

I will now suppose that you have met with a person such as I have described, or at least such as yourself may be satisfied with, and will add a few words with respect to your own conduct.

Upon your first application to drafting or special pleading, you will no doubt, feel yourself somewhat disgusted at the apparent dryness and repetition of the subjects of your labour ; you will be apt to conceive, that however wonderfully the ends of justice may be answered by such tedious forms, those of reason are frequently violated and overthrown. Have patience : in the course of a little time you will be induced to alter your opinion ; a ground which at first you did not perceive, a reason which did not discover itself, an order, a connection, which were

hidden from your view, will arise gradually to your observation; and the confusion and irrationality that appeared to hang around your labours will disperse.

At the same time it will be fair to warn you, that nothing but an unremitting diligence will stand you in any stead.

In forming your opinions upon this head, beware of the two extremes into which many young men fall. The first is reckoning upon their own success by the rare examples of those great or fortunate men, who rather form exceptions to the common and natural order of things than the examples of that order; the next is negligence, which leads a man to hope, that, at all events, he shall stand a chance with others, who have, by some means or other, obtained a decent practice, without that close attention to precedent and forms which you are apt to represent to yourself are too formidable to be easily combated.

Resolve then upon a steady attendance at chambers, and upon a close application while you are there to the point which you propose to gain: do not, during the hours of attendance, suffer yourself to be allured by your general studies; be content to learn the art of drafting or special pleading, and to inform yourself of the reason of its practice: by these means you will, in a short time, per-

ceive your way, and, of course, pursue it with greater ease and pleasure. I reckon every day a lost day in which you are induced to be absent from chambers.

By uniformly following up your first endeavours, you will find that confinement, and those exertions which were at first so irksome to you, grow by degrees less disgusting; nay, I do not think I err in saying, that in time they will become agreeable to you. The mind, by degrees accommodates itself, and becomes reconciled to customs from which at first it may have been averse, merely because they are customs, even when they arise from a harsh and unwelcome necessity; but when there is an end of profit or interest to be answered, when there is a harmony and reasonableness in the custom, it becomes still more easily and quickly reconciled: this I take to be the case in the present instance. There is nothing to overcome in the study of the law but the first ill-founded antipathies that we take against it, and these too arising rather from the narrow prejudices of others, than from any exercise of our own faculties; and when they are subdued by the influences of reason and experience, we shall presently, as I have before observed, find order and harmony, where we had before conceived that all was confusion. To attain this desirable end, I am clearly of opinion, that before you engage in these studies of form,

you should have made yourself well acquainted with their source in the grounds and principles of the law recommended in a former letter.

But this letter is running to too great a length : I will close it with exhorting you once more to apply your time well during your attention to this particular branch of your study. The motives that should induce you to watchfulness and assiduity are all important and honourable ; and from that which happens to the majority of men (and a more accurate criterion of judgment I know not), we may conclude, that the only fair and probable way to future eminence in your profession is now to be ascertained. Now it is to be seen whether you possess the qualities of patience and labour which are requisite to the formation of a superior character : now it is that you are about to lay the foundation of a rock for future honour, or of stubble and sand for future disgrace.

LETTER XLVI.

THE life of man is so short, that, if every moment of it could be employed in the most ardent prosecution of its simplest designs,

we should never be able to attain to the excellence of which the mind is able to form an idea; but when we reflect, that, so far from being able to make use of all our time, we cannot devote one fourth part of it to any solid pursuit of knowledge; when we remember that sleep and indolence, weakness and pleasure, are constantly consuming the hours which wisdom demands in vain, it becomes a matter of importance to them whose lives are directed to some useful purpose, that at least they do not, by their own negligence or folly, increase a band of enemies, already but too numerous and formidable.

You have become at length, happily for yourself, one of these characters; you have been driven by necessity to a pursuit, the reasonableness and propriety of which have at length recommended it to your inclination: I am rejoiced to see this, and would gladly aid you in the opposition of its open enemies, and in the detection of its secret foes.

Among the latter of these I number habit, a foe of the most insidious and mischievous description to every professor of science, but peculiarly so to him whose future fame and fortune greatly depend upon the opinion that mankind may form of the depth of his mental powers: against this foe I solemnly put you upon your guard; and that this may be done the more

effectually, I will first of all describe its nature, and will then point out to your observation some of the weak places at which it will, at one time or other, endeavour to surprise and overthrow you.

Habit is of a dark and subtle nature; it silently spreads its influence over the mind, which it weakens by degrees, until at length it is, in some cases, and these too of no rare description, totally corrupted and debased; it usually comes in a pleasing form, that at once engages the imagination and lays the understanding asleep; by the gentleness of its operations it arouses no fear; by the smoothness of its voice it lulls every suspicion: and when by these means it has secured its conquest, it so artfully entwines itself with the system of our nature, that we fondly imagine it to be a part of ourselves, nor do we cease to cherish it, until we fall the sacrifice of its power.

Its name, and the general acceptance of it are congenial with such a nature; it is usually employed as the designation of a long, imperceptible and increasing course in folly or wickedness; such a course, in the paths of virtue and honour, has ever its origin from nobler motives and higher causes than those which are formed merely by the usages of custom; the phrase bad habits seems, therefore, to be a solecism. If we want to describe the cha-

racter of a man who is in the daily practice of vulgar manners or foolish or wicked actions, we say, he has contracted a habit of saying and doing so and so. If his practice be of a contrary nature, we seldom apply such a designation to a character which has sprung from pure and elevated desires.

As I do not suspect you of being liable to the influence of habits of vice, so I do not conceive you to be equally free from that of habits of weakness or folly: let me rather suppose that, without care, you may become subject to the influence which holds under its dominion many captives who, one might have thought, would have been better enabled than they appear to have been, by the strength of education and good sense to resist its power.

It shall now be my business to shew you some of those weak places at which habit will, at one time or other, endeavour to surprise and overthrow you.

First, then, of imitation. A proneness to imitation is one of those failings which habit will not fail to make its instrument in debasing you, if not very closely watched; and this, whether it be an imitation of what is in itself laudable, or the contrary.

For instance; you perceive in the manners of an eminent advocate something that charms you; he has a peculiarity in his action which you

you think delightful; you are determined to make it your own, and that so thoroughly that every action is copied with the most anxious exactness: another possesses great rapidity of transition from one part of his subject to another; you are instantly struck with admiration at the bold yet not ungraceful confusion it produces; and you are resolved not to be happy until you have made so transcendent a power your own: a third displays a glow of imagination, a brilliancy of figure that enchant you; immediately you relinquish every other pursuit, every other study, to enrich your speeches with figures, and to increase the ardour of your imagination: a fourth declaims with an unequalled elegance of phraseology; from the moment you hear him, the choice of words, the smoothing of your expression, the rounding of your periods become your nicest care: a fifth has a particular method of stating his facts, or of drawing his conclusions; you conceive you have never yet heard any method so desirable; you discard, without ceremony, your own mode; you are in love with the plain style; your figures are forgotten; and you pursue, with all the eagerness of a new enthusiasm, this fresh object of your wishes.

Now by thus addicting yourself to imitation, your own powers are insensibly weakened: but there is another unfortunate consequence; as

it increases with you into habit, every new manner brings with it a superior charm, till at length you are whirled away by a confusion of ideas that totally prevents you from acquiring or establishing any manner of your own, and that blinds your judgment in the necessary discrimination of what is fit or not fit to be appropriated to your own use. Of the instances I have mentioned the majority are qualifications in themselves of an excellent nature, and which, therefore, every public speaker should endeavour to attain; but the misfortune is, you do not draw them from their proper source: you are not charmed with the native principle of these things, but you are allured by the manner of the man: you adopt his manner, and instantly in you it is ridiculous, because nature, the pure source of all excellence, has given to every man certain and different powers of modes, if I may so express myself, which, however by observation and labour he may refine and improve, will ever retain their original character in spite of every attempt to uproot them; and besides, you become in time the plaything of every man's fancy; the first changes the peculiarity you admired for another, which, from its novelty or some other cause, appears still more charming; you instantly relinquish the former, and seize the latter with equal eagerness; the second acquires a graver and

more solemn mode of speech ; you are affected by the dignity of this new mode, and you endeavour to make it your own ; and so of the rest : thus by the influence of habit, you are always restless and always ridiculous : instead of seeking to establish a manner of your own, and to enrich it by adopting so much of what is excellent in others, as may suit with your own original capacity, you are disordered by a habit of imitation, that, from its folly, produces nothing but weakness and distraction, even when exercised, as I have shewn you, upon subjects that contain in themselves a clear and decided nature of excellence.

But as it would be of little service to point out to you an evil for which there was no method either of prevention or remedy, let me dedicate a moment to mention what may be of service against it.

When you are tempted by any fascination of manner in another to adopt it for your own use, set yourself seriously to examine whether, in the whole or in any, and what degree it will become you ; and reflect, that if you do not take of this borrowed beauty in very nice proportions, and adapt it with the greatest circumspection to that which you have before possessed from the bounty of nature or the force of education, you will look like the jay in borrowed plumes, and (which will be the worst thing of

all) every body will know from whom you have stolen your decorations ; they will be eager to strip them from you, and to proclaim the robbery to the world. Do you not see, then, how very cautious you ought to be in this particular ? I do not deny your right to improve by the example of other men ; on the contrary you may gain eloquence from the eloquent, gracefulness of action from those whose action is graceful, beauty of language and brilliancy of figure from the orators who possess those high accomplishments : these are, as it were, an invisible community of goods ; but you must exercise this right sparingly and with care ; and what you thus borrow from others, you must so use, that altogether, your manner may be still your own : thus you will fairly gain honour, and no man will be injured by your exertions.

I have hitherto been speaking of a habit of imitation in regard to things that are in themselves laudable ; and you see, even in this respect, how indiscrimination, one of the constant attendants of habit, will make you ridiculous in the eyes of the world ; but there are other objects of imitation that are in themselves foolish and disgusting, but which sometimes, coming from a man of genius and reputation, are instantly seized upon by the imitating slave of habit : a shake of the head, a display of the hand, a shrug of the shoulders, and many other

more solemn mode of speech ; you by the dignity of this new mode, deavoured to make it your own ; rest : thus by the influence always restless and always of seeking to establish a and to enrich it by adoption is excellent in others, own original capacity, habit of imitation, nothing but weakness when exercised on subjects that decided nature

But as it is very out to you, from whom he has method either, that is a very fine period, dictate, easily perceive it is not his service, et this of subjects which, as I have observed, are excellent in themselves : what an intolerable severity must those sarcasms bear that are occasioned by our habits of imitation in what is ridiculous : “ You see he is “ an imitator even of defects, and yet is vain “ enough to conceive that his folly procures “ him applause.”

How necessary is it, then, my friend, to guard against a habit of imitation, not only in things that are absurd, but even in those that

are excellent, and yet it approaches you in the shape of improvement: you do not seriously mean to make yourself the laughing-stock of the world: your real intention is improvement, but you have mistaken the road to it.

I have been thus particular in warning you against habits of this nature, because few will undertake so unpleasant an office; they who love you may fear to give offence, and they who have no regard for you have too much pleasure in laughing at your folly to take the trouble of putting you upon your guard: you ought, therefore, to take it in good part, and, as a proof of it exert yourself against every propensity towards imitation, until you have determined what ought to be the object of your imitation, and in what degree you ought to adopt it.

Many peculiarities also of the nature I have been speaking of are the consequence of habit; in consulting our own ideas of ease, of elegance, of force, and so on, we frequently, by little and little, fall into some ridiculous affectation or other; this is very injurious to a man in his progress through life, and especially at the bar. Some strange tone, the frequent repetition of some particular word or phrase, which at first appears agreeable to us, become at length, rivetted upon us, as it were, by the chains of habit. What has hitherto been said of the habit of imitation may be applied to this, since

the consequences of it are the same, if not worse; for in this instance you have not the excuse to plead which in the other you had, that you were deceived by the character of those whom you imitated.

We will now speak, secondly, of Indolence. A habit of indolence is a most formidable enemy to those whose pursuit in life demands the utmost exertion. I mean not here to allude to that shocking intemperance of idleness which utterly precludes every hope; no man of sense is likely, on a sudden, or perhaps, ever, to fall into so disgraceful an inactivity; I mean that indolence which steals upon us by degrees, even while we flatter ourselves all is activity and diligence, which does not boldly rob us of our time and powers at once, but which persuades us that we are already sufficiently industrious: which is eternally whispering into our willing ear, "Now is the time for repose; you have done enough; you pursue your studies with an unnecessary attention; recreate yourself; you have a right to recreation; you have done more than is commonly done." This is the language, this is the sentiment that beguiles us, of apparently small but really valuable portions of our time, and that defrauds us of excellence.

But indolence will sometimes assume another form of a very delusive nature, and I will point it out to you: it will come clothed in the garb of

incapacity; it will persuade, or attempt to persuade you, that this is not a day congenial to study; it is dark and gloomy; it must therefore affect your spirits; and if your spirits are affected, you will do little good in the prosecution of your studies; which, under so unhappy an influence, must be forced and unnatural: exercise will be better for you in every respect; and at all events it will be more reasonable, as the day must be wasted, to waste it in a light and easy employment than in the barrenness of unprofitable study: this is sufficient, and a day is lost; till, at length, you suffer yourself to become the prey of imaginary impotency, and Indolence has securely wrapt you in her impenetrable gloom.

The like artifice is displayed in the suggestion of the false idea, that, at certain seasons your mental powers must be debilitated: nor here, it must be confessed, does Indolence want a precedent; she will produce before you the shades of departed geniusses who have vainly indulged this fancy: do not however listen to the delusion; oppose it resolutely: nor will it require a small portion of your resolution; for vice and folly are never more powerful than when they assume the sanction of reason: Remember that seasons of improvement may be lost which never can return.

Suffer me to put you on your guard against another stratagem of Indolence, who indeed seems, in this respect, to have belied her name; she will endeavour to convince you that your health will soon fall the sacrifice of your studious assiduity; she will even quote the classics to shew you that you are foolishly devoting a large portion of your time to reading and meditation, that might as well be spent in the exercises of pleasure; she will bid you remember that Horace loved the pleasure of society, and that Cicero cautions the studious to be moderate even in their best studies. Listen to her; but expect not that she will ever change her tone, that she will ever exhort you to return to your labours.

.. She assumes another aspect; "Has nature, " in all her variegated dress, no charms for " you? does the sun shine in refulgent splendour, day after day, unheeded by you? for " shame! be not so dead to every sensation of " life and pleasure: shut up your books till a " proper season. Do you not perceive that " almost every man around you has left " them? and are not they hoping, as well as " yourself, to rise at the bar? why then this " drudgery? why this sacrifice of reasonable " indulgence? You do not, surely flatter yourself that you will become by it so much more " elevated than your neighbours!"

Thirdly, of Self-mistrust. It is usual to declaim against self-confidence as a propensity not only very disgraceful but very dangerous also, and with much truth ; but I have little hesitation in expressing it as my opinion to you, that self-mistrust, if it once gain the force of habit, is by far the most dangerous of the two ; and I know of nothing that will sooner acquire the force of habit than this inclination to self-mistrust : it is of a sickening, enervating nature ; it dries up every source of fortitude and of emulation in our bosoms ; and he who falls beneath its fatal influences, falls never to rise again.

And it is the more dangerous, as it professes to bear a near relationship to that diffidence and self-examination which are ever the attendants of true genius, and which are usually roused when that genius is called forth to encounter some profound and difficult science ; and in proportion to that difficulty will this habit be secretly busy in intruding itself. In a former letter I drew a comparison between modesty and fear ; that comparison may be applied, with very little qualification, to these two inclinations of the mind ; the one, diffidence, partakes of every ingenuous motive and feeling, the other, self-mistrust, being, when degenerated into habit, of a debasing tendency.

When a man sets out in the pursuit of a science like that of the law, he will naturally be struck with the variety and intricacy of its different branches, and, by an almost unavoidable transition, he will take a view of the extent of the talents that are necessary to their development and investigation: now if this view be taken at the first, under the impressions of self-mistrust, or, if you please, despondency, every thing will appear in its inverted proportions: the task you have undertaken will seem to be obstructed by almost insuperable difficulties, whilst your powers dwindle away to nothing in your distempered apprehension: in proportion as the influences of despondency increase (and increase they will, unless you oppose them vigorously), in that proportion, I say, will real incapacity come upon you: your fears and your misapprehensions will, in time, embody themselves; they will reduce you to a slavery worse than Egyptian.

Only consider, for a moment, how shocking must be the situation of that man, who conceives his fortune and reputation to depend upon his performance of a certain task, and who is possessed with the idea that he has not sufficient strength to perform it; every day does he grow weaker and weaker in his own conception; he loses, by degrees, every inclination to exert himself; every prospect of happiness and success

fades from his sight; and he conjures up in their stead the horrible phantasmas of failure, disgrace and shame. Thus self-mistrust increases, until the mind, sunk into the very depths of despair has no longer the power either to examine its own resources, or to oppose the roads of this mighty habit.

If then, in the beginning of your career, you find this unhappy influence coming over you, do not tamely yield to it; be not affrighted by the horrible pictures it would draw of the profundity and intricacy of the law: the treasures of that science are ever open to a good understanding and diligent application: I grant they are not to be obtained unless by exertion; but then exertion is within your power.

But there is a habit of a similar nature, yet exercised upon a different object, against which I would, while I am upon the subject of habit, put you on your guard; this is a habit of doubting of your future success. You do not mistrust yourself in regard to your abilities; you have every inclination to be diligent; but you hesitate lest your exertions should be in vain. The world, you begin to think, is unmindful of merit or incapable to discern it; and your endeavours for success naturally slacken in proportion to the increase of your fear; the attempt, at length, appears to be a desperate one, and you are induced to relinquish it: thus by idle

fears and ungrounded apprehensions are the fairest prospects sometimes blasted and the noblest designs overthrown.

This, like every other bad propensity of the mind, is the most easily resisted before habit exercises its mighty influence ; and there are two means whereby resistance may be rendered effectual ; the first is, to take a cool and accurate review of the resources you actually possess, and of those which the fair and common chance of life presents to activity and talents ; for upon both these you may surely have some reliance ; and in the next place resolve upon a close application to the duties of your profession, and to make the best use you are able of your resources, and then be prepared for the event. You may the more reasonably do this, both because the doing one's duty like a man is a very proper source of fortitude ; and because events are so little in our power that none but a weak person will be immoderately concerned about them. Should you be assailed by fears of this nature at your entrance into life, try the remedy I have proposed to you ; there is little doubt, if you persevere in the trial, that you will soon feel tranquillity of mind, and be enabled to give full scope to your exertions.

But this remedy, powerful as it is, will lose much of its effect, if, indeed, it prove not wholly useless, should the application of it be

delayed ; in truth, if such delay be permitted for any length of time, your inclination to make it at all may wholly decline. I am ready to make every allowance for apprehensions of this sort ; it is natural for a man, who is interested in a certain event, to be solicitous about it ; and I am not, either in this or in other instances, foolishly proposing to you a philosophy which opposes the emotions of our nature ; the philosophy I would induce you to adopt is calculated to restrain the exuberances of such emotions ; it will cure in you an inordinate solicitude that may destroy your peace and damp your energies ; it does not forbid a solicitude which is as natural to the constitution of a man as hunger, thirst, or any other animal sensation.

The power to resist the influence of habit appears to be the full and continual possession of one's self ; and this may be best obtained by a close attention to the comparative value of this and of other possessions, and thence forming an accurate estimate between them. Success is good, riches are good, the applause of mankind is good ; but these are things uncertain and contingent : self-possession, on the other hand, is not only a greater good than these, but it is also positive and certain ; it enables a man to form his own character without a necessary reference to the characters of other men : thus fortified he will be in no danger of imbibing the

weaknesses of those with whom he may occasionally converse ; and he will be enabled to choose and appropriate such a portion only, even of the excellencies of others, as he thinks will suit with and contribute to the perfection of the character he has determined to support.

Self-possession, then, appears to be the proper defence which every man should use against the encroachments of habit, whatever be the shape or nature it may assume ; it is like the tortoise of the ancient discipline, every assault glides over it unfelt. Whence is it that so few are free from the fetters of habit of one sort or other ? How happens it that not many men can venture to contemplate human life and the human character without the danger of contagious habits ? Doubtless this is owing to the want of self-possession ; the necessary consequence of which is a false estimation of the nature and value of extraneous objects ; whence we are led to admiration, and thence, very naturally, to a desire of appropriation of them ; or, if this be not the case, we fall into imbecility and negligence, by which we insensibly accommodate ourselves to folly, depravity and ruin.

LETTER XLVII.

I PROPOSE in this letter to treat of the cultivation of the memory, and of the means by which it may be best effected.

Some writers have taken pains in forming nice and learned distinctions concerning the various properties of the memory ; I will not, therefore, do again what is already done ; but referring you for that kind of information to the writings of the philosophers, will content myself with the vulgar acceptation of the word memory, which is quite sufficient for my purpose.

Memory, then, in this acceptation, is the simple natural faculty of recollecting what has been said or done in time past ; and it is, like all our other natural faculties, susceptible of improvement. But the additional powers of memory, that are thus acquired, do no more form an additional or different memory, than an acquisition of strength, or health, or beauty to the human frame, forms an additional or a new principle of life.

I proceed to consider the means whereby this necessary faculty may best be cultivated.

In the first place, frequent exercise will be

found of essential service in promoting its strength and enlargement: not only the inclination to recollect, but the very powers themselves of recollection are impaired, and at length lost, by disuse; whilst, on the contrary, a desire to exercise this power, and an increasing pleasure in the exercise itself, will be the natural consequence of daily application. In this it does but resemble the other faculties of the mind, which are roused to more brilliant exertion by unremitting activity, but are depressed and weakened, beyond conception, by a long course of inertia.

This exercise may be performed various ways; I will name one or two of them.

For instance; suppose you have been in several places, and conversed with several different persons in the course of the day, it will be a very good exercise of the memory to recall, with minuteness, not only the names of these places and persons, and the occasions that induced these events; but the subjects of each conversation wherein you may have been engaged, together with the various opinions both of yourself and of others upon these subjects, even in the very words in which they were uttered, or as nearly as possible: you will find this at first, perhaps, a dry and a difficult task; but in a little time you will be astonished at the

ease with which you perform it : this will, of itself, be a sufficiently convincing proof of the utility of the practice.

Another method of exercising the memory will be attending at the bar, or in the House of Commons, or any public assembly upon an interesting occasion, and paying particular attention to the speech of some one eminent orator, and not to suffer your attention to be diverted to the speech of another person, or to any extraneous occurrence ; this done, retire to your study, and there repeat, as nearly as you can, what you have heard, pursuing the arrangement and even mode of expression as closely as possible : and in doing this, remember that it is done merely for the sake of strengthening your memory ; trouble yourself, therefore, in this particular case, with no critical remarks : it is the faculty of recollecting, not only sentiments, but sentences and words, with precision, that you are to attain : the question, just now, is not, whether what the orator said was right or wrong, true or untrue ; it is, whether your memory has been sufficiently tenacious to bear away what he really uttered.

A third method I would recommend to your practice is the obvious one of committing to memory certain passages from authors of every description, in poetry as well as prose ; and as you find your memory benefited by this mode,

which will most surely be the case, I would advise you to depart from the usual custom of learning passages celebrated for the peculiarity of their wit or elegance, and addict yourself to those of a drier and less pleasing nature, taken from history, as chance, upon the opening of the book, shall direct you ; the plain recital of some given fact, the character of some prince, or even some note or observation of the author himself : whatever of this nature first salutes your eye, determine to get perfectly by heart : by diversifying the nature of your subject, you will not only strengthen your memory generally, you will strengthen it in a peculiar way ; it will be tenacious, not merely of subjects that please the taste and gratify the fancy ; not only of sounds that delight the ear, and dwell upon the imagination ; it will equally embrace those topics, and retain those sentiments and expressions that are calculated for the adjustment of forms, and the elucidation of dry facts and intricate questions : of the utility of this mode you will, perhaps, be still better satisfied, when you reflect, that the memory is naturally retentive of such pleasing subjects, while those of a contrary nature as naturally elude her grasp.

And here it must be obvious, that the exercise just now recommended will be particularly necessary to the legal student, who in the course of his future practice, cannot but have frequent

occasion for the aid of his memory in the statement of some case or opinion, recollected at the moment, by which his argument may be supported or his positions enforced with a peculiar brilliancy of effect and illustration.

And I further observe upon this head, that no after labour can supply adequately the want of this particular power of memory. A man may fill the back of his brief, with extracts, quotations, and cases, yet may omit one that would be more valuable than all the rest : could he but recollect this at the very moment, it would serve him in a most essential manner ; but it is entirely forgotten, or remembered so imperfectly, that the recital of it, should it be attempted, would most probably do his argument mischief rather than good : I need not say more to account to you for dwelling so long upon this head.

A fourth mode of strengthening the memory is writing yourself, and committing to memory what you write ; this is an exercise universally recommended, I believe, by those who have made the cultivation of the memory at all their study ; and certainly it is by far the most pleasant of any of those exercises whereby the memory is to be invigorated. We have naturally and perhaps not altogether unreasonably a particular degree of affection for what we have produced ourselves ; and this affection is eminently conspicuous towards our literary works ; there will

be, consequently, far less difficulty, in the exercise of the memory towards them than towards the labours of other men ; it will not, however, be less useful upon that account : to speak well is an indispensable qualification for eminence at the bar ; and this depends, in some degree, upon the memory. It is as possible for a man, a young man especially, to forget what he himself intended to say, as to forget what has been said or written by others : and, I apprehend, few men, to whom the arduous employment of speaking in a court of English judicature is a new employment, rise to speak, *currente ore*. Some plan is most probably laid ; if no speech is actually written, some arrangement is formed, some arguments are digested ; now, under such circumstances, some method of memory will be surely necessary to enable a young man to acquit himself respectably.

With respect to the times or manner of performing these exercises, I can say but little ; every man has his own way, and time, and method of study : some love the hour of early morning ; others the silent and retired gloom of night : this man performs all the material labours of study before he meets his friends at the table, unwilling, from a thousand sensations of reluctance, to exercise his faculties in the evening : to that man all hours are alike ; he pursues his studies with equal alacrity by the light

of day or the glimmering of his lamp. Advice upon matters of this nature is therefore seldom given, because it is seldom heeded: however, as you desire my sentiments with regard to the time of exercising your memory, I will do so in few words. That memory, the exercise of which is regularly the last act at night and the first in the morning, has, I believe, been usually found of all others to be the most powerfully retentive: and this seems reasonably to be the case, not only because the memory, to which a certain object has been committed, is, like all the other mental faculties, invigorated by the genial influences of sleep, but because also of the secret determination, that this object must be recollected in the morning; which determination may, unperceived even by ourselves, remain less distracted than amidst the cares of the day, and, of course, possess a dominion over the faculties, at once more regular and powerful.

We proceed, in the second place, to consider that the memory is very powerfully supported by the clearness of our understanding in regard to those things that are the objects of it.

Upon this ground it is that we rightly conceive memory to be no necessary attendant upon genius. Genius is not so much exercised upon the understanding of things that are the

proper objects of our reasoning powers, as it is employed in dazzling the imagination with bold conceptions of new ideas : with such an employment memory would often unwelcomely interfere ; it would sometimes retard rather than precipitate the flight of genius.

Exactly the contrary to this is the case of the memory ; its business is to trace and retrace, with a careful footstep, the ideas, the words, and the actions that are past ; it must dissect, as it were, and enter into them before it can retain them ; and when these ideas are compounded into sentiments, and words into sentences, they never can be effectually possessed by the memory until their force and meaning are completely understood : this is easily discovered upon the very first exercise of the memory, which is presently disordered by the least confusion or weakness in the arrangement of the circumstances which it endeavours to embrace.

Whatever, therefore, is to be committed to your memory, you must first of all thoroughly digest and understand, that it may be clearly and comprehensively retained : it is true one may retail with accuracy, but who can recite with power or gracefulness, that which appears obscure or incongruous to his judgment ? What assistance can be effectually derived to any argument or position by the statement of an extraneous fact or opinion, the causes or con-

nections whereof remain undetermined or unknown? It is in vain, under such circumstances of doubt and confusion, that the memory labours to exert itself; its powers are enervated or destroyed.

The maturing of the memory will not be the work of a moment; any one who is anxious to cultivate this valuable faculty must be content to do it by degrees: it will by no means be prudent to set it a heavy task in the first instance: I would advise you to proceed from light, short and amusing recitations to those of a drier and more intricate nature; for, although it is certainly true, that the memory will be helped by frequent exercise, yet this, like all other cases that relate to the improvement of the human intellect, must be governed by the general law of moderation: this is a matter wherein greater care is required than may at first sight seem necessary. We frequently decline our duties from the disgust which intemperate exertions in the earlier performance of them produce in our minds: many a mind has been lost to excellence, by its own ill-judged efforts, at its entrance on that path; were that entrance made more easy and alluring than it usually is, the succeeding obstacles would not only lessen, but be, by far, more easily subdued. Under the caution I have given you, you will, no doubt, beware of this error; and you will

thus find the cultivation of the memory pleasing as well as advantageous.

Temperance, which may be recommended as necessary to every other study, is peculiarly necessary here: a continual and excessive indulgence in animal gratifications produces obtuseness both of the bodily and the mental faculties; but it will ever prove particularly injurious to the memory, which, as it requires an assiduous cultivation, is very easily blunted by being suffered to remain neglected or unexercised. What person, satiated with such enjoyments, will ever be solicitous to pursue a system like this? Whatever exertions of the moment the glutton may be induced to make from the force of natural talents, or the dictates of his interest, it has rarely been found that he has engaged himself in the silent labours of a systematic renovation of the faculties of his mind.

There must be a motive to labour before labour will be attempted or endured: that which is now proposed to you, is, you perceive, the exercise of the memory; and the motive, emulation of excellence in a profound and learned science: this motive is of a superior nature, and must be kept alive in the breast by pursuits and inclinations of a congenial kind: but how does intemperance in the animal gratifications agree with this description? does it not include

within its idea every sentiment of a base and degrading quality? The desire of excellence is animating, and urges us to activity; the indulgences of intemperance overwhelm us with sluggishness and disease: if, then, you look forward to excellence, and intend to make use of the memory as one medium through which you may attain that object, resist the allurements of intemperance: if suffered to influence your mind, they will presently depress it to very different prospects; they will overturn its noblest designs for ever.

The memory is, I apprehend, greatly aided in its particular exercises by a general disposition to attentiveness, and is, by a natural influence, weakened by a habit of carelessness and inattention: you are not engaged immediately in committing any sentiment or occurrence to your memory; accustom yourself, nevertheless, to mark those incidents of the day, that, to the world, appear too trifling to deserve notice. No word, no action is a trifle to the man of observation; from an hour of light conversation, from the slight occurrences of a dinner or a ride, he will gather more than an ordinary man will gain from the perusal of a thousand pages: but why is this? because his attention is exercised, while that of the world is dissipated or asleep: it does not appear reasonable, therefore, that, to such a character,

the exercise of the memory upon more particular and more interesting occasions should be a task of far less difficulty, than to him who makes use of it but for the moment: to the former it is only proceeding in his usual track, but with a more than ordinary carefulness or speed; to the latter it is a new course, in which, as he is unaccustomed to it, he proceeds with difficulty and slowness: to drop metaphor, the memory of the diligent and observing man will be daily refreshed by the common operations of his mind, which are those of watchfulness and attention; while the memory of the wandering dissipated character must, on the contrary, be hourly weakened by his unsettled and irregular dispositions.

The memory is fortified and enlivened in an eminent degree by the possession of a mind at ease; such a disposition is, in truth, indispensably necessary to the exercise of this faculty. If the mind be continually distracted with contending cares, our spirit in the general pursuits of learning will be doubtless considerably injured; still those pursuits may, in some degree, and at certain times, be continued; but I question if the memory is calculated to survive long amid these internal struggles. Am I depressed with fear, shaken with anger, corroded by jealousy, or overwhelmed by despair? I naturally attend to the object that thus affects me, and

neglect every other ; and if, by some unfortunate turn of mind, I am liable to frequent assaults of this nature, how can I expect to have my memory ready to serve me upon occasions which, however necessary to the welfare of my life, are foreign to these disturbed and powerful sensations : amidst circumstances like these, eminence in life is rarely attained : at all events the memory must be injured.

In the midst of your studies therefore, remember that memory is not to be slighted ; that the early cultivation of it will not fail, in the course of time, to produce a constant, easy and spontaneous operation upon all those subjects that are necessary to the perfection of your professional practice.

I have just received your letter, 'desiring I will lay down for you some particular rules for study : I will give you my opinion on this in my next.

LETTER XLVIII. .

IT is difficult to lay down for others a regular plan of study : the hours and the modes of reading, commenting, referring, &c. which are agreeable and useful to one may be far from

being pleasant or profitable to another: but perhaps some general rules may be mentioned, from which few would be much inclined to dissent.

I divide the time which will elapse between your entering your name as a student, and your call to the bar, into two parts; the first of these, taking the time at five years, and speaking in general terms, will be spent with a special pleader or equity draftsman, and perhaps some part of it in an attorney's office. During this period I do not reckon at all upon your attendance in court, nor much on your general reading; but I think it would be highly useful, in such intervals as may happen in your application to the desk, which ought to be as few as possible, to read with thorough consideration all the cases that strictly relate to the bill or declaration, answer, demurrer, or other pleading, whether at law or in equity, in which you have been engaged in the course of the day, or of the two or three preceding days as it may happen; whether it be to ascertain the practice of the court, in relation to proper allegations or averments or assignments of breaches in your bill or declaration, to the insertion of impertinent matter, or to multifariousness or insufficiency, or to the terms in which your plea ought to be pleaded, to the extent of your demurrer, or any other of those numerous heads which you will find con-

stantly occurring, and on which good pleading depends; and I should think that during this period it would be the best course to confine your reading, and consequently your common placing, to these topics, which is indeed no narrow sphere, as they will be found to embrace the whole learning of the court on points of practice, an intimate acquaintance with which you will hereafter find essential.

With the second division of the time I have mentioned, your general reading and attendance in the courts will commence.

First, then, as to your method of reading, I think you would find it useful to have three classes of text books, first, the Statutes at Large; second, Coke Littleton, Blackstone and Wooddeson; and third, the most copious and best arranged treatise you can meet with on the principles of the court in which you may happen to practise*. For the purpose of reference to the statutes, you must probably have a separate book, the others may be interleaved.

To be well grounded in the statute law is absolutely essential to a lawyer in whatever

* Of these may be particularly mentioned Lord Redesdale on Pleadings in Chancery; Maddock on the Principles and Practice of the Court of Chancery and Tidd on the Practice of the Courts of King's Bench and Common Pleas.

court he may be ; and the best method of accomplishing this appears to be by entering with exactness in your text book the various doctrines laid down respecting them in the reports of judgments, and in Coke Littleton against each section, adding to this, in each instance, a careful perusal of all such statutes or sections of statutes, as may be found to relate to the point in question.

In like manner you will enter in your interleaved text books, an accurate reference to such decisions as may affect any doctrine laid down in them.

In reading the reports I cannot help thinking you will find it most convenient to begin with the latest, referring as you read to the earlier cases as they are cited and commented upon in the judgment of the case you are reading, always making a note of reference from the earlier to the later cases.

The first thing to attend to in this branch of your reading, is a comprehension of the facts of the case ; and I think it may be stated as a general rule that any report that does not present a clear and succinct statement of the facts on which the point for decision arises, may be passed over ; in the next place, read attentively the judgment of the court ; and lastly, such parts of the arguments of counsel as are commented on by the court, and no other, except in

a few instances perhaps for the sake of elucidation, for you will soon find your reading so voluminous as to demand the greatest attention, not less to the expence of time than of money.

You will never consider your reading of any particular case complete, until you have also read and understood, and noted in the proper place, not only that particular case, but the statutes and cases referred to by the court in the judgment; and I should think you would find it useful, if after having made yourself thoroughly acquainted with the facts of any given case, and before you proceeded to the judgment, you were now and then to compose an argument, either extemporaneous or written, and compare it with the arguments advanced by the counsel, but particularly with the judgment of the court; by this method you will have a chance of acquiring legal views and a course of legal reasoning which you will find in many instances to be essentially different from the common notions of mankind, and for want of which many men of superior understanding have failed at the bar.

With respect to the numerous tracts that we have on almost every head of law and equity, the reading of them must, I imagine, be in all cases considered as subordinate, at any rate they must not be depended upon as the sources of knowledge.

I consider attendance in court as a very important part of your plan of study; this after you have left the special pleader or draftsman's office, should be seldom neglected for some limited part of every day, unless you find the cause merely depending upon circumstances, or the grammatical construction of the words of an instrument; for then your time may be much more profitably employed in reading. Accustom yourself to take notes, particularly of the case and the judgment, and on your return to chambers make the point decided or argued, and the statutes and cases referred to, your immediate subject of reading and common placing. In this department of study you will be particularly careful to distinguish what are cases of importance sufficient to call for your attention, otherwise there will insensibly be incurred a prodigious waste of time and labour.

In taking notes, you may find the practice of writing short hand convenient.

Much more, as on almost every other topic I have selected in the course of this correspondence, might be said; but a due attention to the hints I have dropped, and above all an anxiety to profit by the experience of each succeeding day will probably render any addition unnecessary.

LETTER XLIX.

IN a former letter I candidly hinted to you my fears lest you should be tempted to prolong your studies of the languages beyond the bounds which are necessary to be observed; and it has since occurred to me that I ought not to put an end to our correspondence without calling your attention to a subject that has often employed my thoughts, and that appears in some measure to have arisen out of our former discussion.

The subject I allude to is a general dissipation of study; and I shall endeavour to put you upon your guard against it with the greater earnestness, because it is a secret rock, on which young men of no mean talents have too often been lost.

A propensity to general study arises, usually, not so much from a more than ordinary love of science, as from a passion for universal applause; we will therefore consider it in this light, and also as particularly injurious to him whose views are bent towards excellence in one certain science alone.

Could we, by any degree of exertion that is within the power of man, attain to universal

excellence, we might reasonably be allowed to look for universal fame, and to apply to universal study; but if it be true, that the utmost we are able to perform will not carry us to such extended acquisitions, this propensity must stand condemned in the judgment of every sensible person as the offspring of a heated and foolish imagination.

I would wish you, therefore, to have a most careful guard against being diverted to light and multifarious studies, whether they come recommended to you under the title of politics, philosophy, the *belles lettres*, or under whatever other guise they may assume: take just so much of these things as will serve your purpose as a man of the world, and as a professional character; but remember to keep them in subordination to the main ends you have in view. It may be said of all such pursuits, by a man of business, as the proverb says of fire; "they may make very good servants, but they will certainly prove bad masters."

It is astonishing how great a quantity of time is mispent by young men in amusing studies, either from the mere influence of a dissipated and an indolent spirit, or from mistaken notions of the true end and design of literature: amongst such notions, this of gaining what is commonly but falsely termed general knowledge, is one of the most dangerous; for it not only

beguiles the fancy and seduces the attention from studies of real importance, but it comes to us with all the recommendations of a fancied duty ; and we follow it till it is too late, perhaps, to retrieve the consequences of our error.

Every man who aims at excellence, and possesses a capacity for the attainment of it, will confine his hopes and his labours to one particular object ; he knows that manifold excellence is not to be obtained by his utmost exertions ; the common experience of life holds up to his contemplation numerous examples of the consequences of a diversified ambition ; these serve at once to excite his compassion and arouse his vigilance. One cannot mix in life without daily meeting with men of genius and learning who are destitute equally of reputation and of wealth ; of whom it may truly be said they want a local habitation and a name : an inquiry into the cause of this infelicity, so peculiar to talent and literature, is seldom made ; and indeed, if it be made but from idle curiosity, it is better let alone : but if the cause of this unhappiness be ever sought, it usually turns out to be that desultory, uncertain and varied pursuit after universal science against which I am at this moment attempting to warn you ; that restlessness of spirit, that impatience of application, which prepare the mind they unhappily influence, to be the prey of every study that has the air of

novelty, of every semblance of science that yet remains to be explored.

Too certainly, and too often is this the case; nor is it wonderful: independently of the charms which novelty never fails to present to ourselves, a desire is produced in our bosoms to shew her to others; a momentary reputation is by these means gained, and we are delighted with the rapidity with which our wit and ingenuity have obtained it: nor can we, perhaps, forbear, in the fulness of self-complacency, to cast an eye of pity on the plodding wretch who has either no spirit or capacity for such boundless exertion; but, presently, leaving him to his dulness and his labours, we continue our brilliant career; we snatch promiscuously at the flowers of fancy, wit and elegance that adorn our various path, and that seem to bloom but for our hand alone: now we are poets, and gaze with rapture upon the laurel that is to encircle our brow; now statesmen, and pull down ancient forms of government and raise up new with a facility that dazzles and confounds; now legislators, and at our nod truth and justice rise up to surprise the world; again, we become philosophers, never to be moved but when our philosophy is disputed. Thus we go on, holding ourselves up to the wonder of the multitude, adding science to science, and wisdom to wisdom: but mark the end; in the midst of our numerous pursuits,

our fortune has been neglected or dissipated, our time wasted, and our faculties weakened, ere they have enabled us to perform one service useful to mankind, grateful to our friends, or honourable to ourselves. A new man of wit, more various and more ingenious, arises; he boldly steps into our place, and, after vainly struggling to regain it, we drop from the scene, and are heard of no more.

Nor does this happen otherwise than in the ordinary course of things; for he who has established a fortune and a reputation in life by such chequered exertions, ought rather to be considered as an exception than imitated as an example. It appears equally in the productions both of nature and of art, that those things which are the most easily produced are the most quickly gone: the insect, that in a moment is hatched, and flutters its gaudy wings in the sunbeam, dies with the hour; and numerous generations of insignificant beauty succeed and depart ere the noble form of man has reached maturity. And can we expect that the nobler works of the mental powers should be freed from the influence of so natural and just a law? No; he who is admired for the moment, and who is content with such admiration, shall also in a moment be forgotten.

The force of the mind must have an operation proportionably powerful as it is confined and

directed in its exertions to a single point; and, on the contrary, it must be weakened in proportion as it is divided in its operations towards many points.

If then we are emulous of a fair, a lasting, and an honourable fame, we must be content to gather it from our exertions in some certain science, and to wait until time and our labours have matured it; we may, as I have before hinted, make use of other knowledge as auxiliary to this grand acquisition, either by way of usefulness or ornament; but we must not be deluded to make first the one and then the other of these our principal aim. Does a man sit down to write a book for the express purpose of elucidating some disputed point in philosophy? It is but fair to suppose that he must, in the course of his work, refer to many other writers for the support and illustration of his positions: now, I ask you, what would become of that writer and of his proposed work, if, seduced by the novelty of the writings to which he thus refers, he were to spend his time and ingenuity in an undue investigation of the ancillary subjects upon which they treated: would not such a conduct as this appear highly reprehensible? nay, would you not look upon so inconsiderate a person as an object worthy rather of contempt than fame? yet, by the rapidity and liveliness of his remarks upon these extraneous subjects,

it is possible he might greatly delight those who knew or reflected not that his main design lay by neglected: to such a character as this we may compare that man, who either has or ought to have some certain pursuit to which his powers are to be directed, but who neglects the duties of it for a frivolous and momentary applause.

All this, which may be considered as applicable to the professors of the various sciences, I will now confine and apply to you. You have taken up the profession of the law; that is the science to which your principal attention henceforth is to be directed, and excellence in it is the point towards which all the best and most vigorous faculties of your mind are to be exerted: what then; is every other pursuit to be absolutely sacrificed to this? Yes, I answer, as a principal pursuit: but with reference to this grand aim, whatever will tend to enlarge your sentiments, to sharpen your wit, to strengthen your judgment, or to augment your knowledge, may still be cultivated.

The road thus pointed out to you is not, I confess, so pleasant to look upon as the path against which I warn you; and it may be in the power of wit to turn it into contempt. Labour is, in its own nature, unpleasant to our feelings; and we are apt to lend a willing ear to that tongue which is employed in its dispraise: it is no difficult matter, therefore, to raise up in our

bosoms a disgust against it, and to represent the man, who is willing to submit to its laws, as a little better thing than earth, in comparison with those heaven-born spirits who disdain the low mechanical arts that lead to professional excellence.

Do not refuse then to labour at a settled point, and in the end you will reap the fruits of your labour. He whose views are regularly directed to some certain study that may make him respectable in his own eyes and useful to the community, however he may for a moment be the derision of the wit, and the contempt of the universal genius, will not only be a more happy, but a more estimable character: by throwing light upon principles which regulate the affairs of men, both fame and profit are to be acquired. The active, honourable and accomplished lawyer will be remembered with esteem and admiration, when the writer of madrigals and the composer of sonnets is neglected or forgotten.

LETTER L.

AT length it is fit that this long correspondence be brought to an end ; not because nothing more remains to be said upon the subject, but because it is hoped that the observations which have been made will prove sufficient to convince you that the law is a pursuit worthy of a scientific mind, and that by such a mind only, its doctrines will be illustrated or its nature clearly understood.

Whence is it that few rise to eminence in what are usually called the professions ? Whence is it that the external mechanism (if I may so speak) of those professions is alone sought or esteemed ? Is it because those professions possess no properties that can amuse or gratify scientific research ? Far from it. Nor is that altogether the true reason, which is often alleged, namely, that Nature has indulged few minds with the power to rise superior over the common degeneracy, Science is neglected by those who ought to court her because she is neglected by the bulk of mankind : but is the world to blame in this ? Rather ought the censure (and much censure is due) to fall upon

them who possess the gifts of nature and the advantages of education, and refuse to make use of them. It is a severe truth that he who attempts to step out of what is called the common way ; in other words, he who would introduce elegance and knowledge into the place of shrewdness and vulgarity, is not more frequently gazed at with the empty stare of wonder by the crowd, than by those who have become members of the same profession with himself, and who ought to be equally emulous of the same honourable enterprise.

This has ever been the case ; the fault is not peculiar to the present age ; it seems inherent in the constitution of human nature. We have only to look for a moment at the works of great men at every period, and we behold the same complaint. " I am called a speculative man," says the great ornament of the law and learning of this country, who lived two centuries ago : could any appellation have been bestowed upon that noble character in the present day more strongly synonymous with contempt ? Nor are men wanting amongst the wise and learned who consider the present day as equally distinguished by its excessive aptitude to class the profound and the scientific with the speculative and the useless.

But, independently of every other consideration, there is one source which, however remote

and latent, is, I believe, the true one, whence this dislike to consider the professions in a scientific manner proceeds; I name it with reluctance, but I think it my duty to point it out to you, Interest: we daily see that, amongst the majority of those who arrive at wealth by the exercise of professional talent, they who have exalted ideas of excellence are not numbered; and we naturally, though falsely, conclude that an emulation of scientific excellence is rather an obstacle than a furtherance to success.

Interest then, may with truth, in many cases at least, be mentioned as the true motive of this disgust against science; but as it is also a secret motive, and partakes of a base nature, men either do not perceive, or will not acknowledge it; they therefore endeavour to veil their unwillingness to attempt any higher excellence in their profession than what is necessary to acquire a present name and present remuneration by a thousand excuses: they pretend, with a false humility, that their powers are not equal to such attempts; they pretend to have no faith in the utility of such attempts; they pretend that the men who make them are idle, speculative persons, indulging themselves and feeding others who are credulous enough to listen to them, with vain hopes and foolish fancies; and that they are utterly unfit to have any

commerce with the business and concerns of the world.

But if it could be once demonstrated to mankind, or rather, if mankind could be brought to contemplate the demonstrations, that their own experience and the experience of every age has afforded of the fallacy of these notions, one might hope to see the natural powers of the mind revive, and science, of course, more generally regarded in those professions that lead men to mingle with the world. If we could once be led to perceive that though, for the reason (amongst others) that has been mentioned, the majority of professional characters have not had patience to go beyond the externals of their profession; yet that the few who have dared to signalize themselves have, in the end, obtained more wealth, more honour, and more present regard than have fallen to the lot of those who have erroneously aimed at nothing else, we should then behold a generous strife succeed to petty designs and unmanly contentions; the man who laboured to exalt his profession as a science, would then be regarded as a benefactor, and not despised as an empty innovator; and the world, even constituted as it is, would look up with reverence to the members of the various professions, as at once its strength and ornament, rather than avoid them as crafty designers

or open depredators on its welfare and repose.

The few moments that remain will not be unprofitably employed in marking the error that has crept, some how or other, into the human judgment, and from whence the fault of which we complain has sprung: this error is of a two-fold nature: first, in our judgment of the intellectual powers: and, secondly, in our apprehension of the combinations that form the character of a great man.

Young men are generally led to confound cleverness with greatness; they forget that a man may be a very clever, or to speak in the common phrase, a very great general, or poet, or musician, or lawyer, and be notwithstanding a very little man; that his expertness in the forms and practice of his art or profession, may enrich and consequently enable him to dazzle the vulgar eye, and yet leave him a prey to malignant passions or paltry desires, incapable of elevating his profession or of acquiring for himself a fair and honourable name.

We are naturally indolent; so indolent, indeed, that we do not only decline to exert the strength that has discovered itself to us; we also refuse to ascertain the degrees of power we actually possess. What we have no desire to seek we are ever ready to persuade ourselves has no existence: at first, it is true, we know we

are imposing upon ourselves; but habit, at length, leads us to forget the imposition, and we really believe that we are weak, because we have long had an end to answer by neglecting to discern that we are strong.

This would not, perhaps, call for serious mention, if its consequences were confined to the individual: unhappily this is not the case: to degrading views of our own character we presently add an affected contempt, or, what is worse, a secret envy of the superior powers of other men; hence we not only decline what is excellent for ourselves, but unjustly refuse our approbation to the desire of it in others; from omitting to do ourselves right, we proceed, with little difficulty, to commit towards those around us positive wrong.

By the influence of this error, the best emotions of the mind are frequently weakened, and its noblest designs overthrown; excellence is obumbrated, science defrauded or robbed of her votaries; false and unbecoming notions propagated, and the characters of men improperly estimated and unfairly treated: and this leads me to observe upon the mistake we often labour under in our apprehension of the combinations that form the character of a great man.

In a thousand cases we take a false idea for granted, and then argue from it; and amongst these numerous false ideas, few are more pre-

valent than this, that an attention to the common business of life is incompatible, if not impossible, with enlarged powers: this has happened in part from the haste and negligence with which the bulk of mankind form their opinion of character; and in part from the affectation that, it cannot be denied, some men of talent have manifested of contempt for the daily concerns and intercourse of life: but who will be hardy enough to assert that therefore an incapacity to manage or intermeddle in such concerns is a necessary consequence of superior intellect? The truth is, no man does business, so well as the great man who is determined to do business; he frequently leaves far behind him in accuracy, neatness and dispatch, those who pretend to pride themselves that they aim at nothing beyond accuracy, neatness and dispatch. The truly great and expanded mind is not only engaged in deep contemplations, it takes notice of what, for the sake of distinction, I will here call little things, not because it is naturally attached to such things, but because it finds itself in a state in which it is a positive duty to attend to them: and the duty, of which such a mind dictates the performance, must necessarily be as well fulfilled as its nature will permit.

Apply this to the subject of our late letters: if what has been observed be true, the scientific lawyer will be, in every point, a better lawyer

than the mere practical man : he will be to the full as correct as the practical man : he will be as adroit in the forms of the courts ; he will be as assiduous in the management of his causes ; he will be as attentive to the interest of his client : in short, all that relates to the necessary formulæ of the hour will be transacted by him with as scrupulous care as the practical man can manifest ; nay, as I have just above observed, diligence and attention, even in these things, will often be more conspicuous in him than in the mere man of business.

But the subtle combinations of grandeur and simplicity, escape the vulgar apprehension ; the exaltation of the characters that are distinguished by these happy contrarieties of quality is therefore usually looked upon with astonishment, when, in fact, it is but the natural effect of an adequate cause. We can only lament that the quantity of exertion in men does not often bear its due proportion to the quantity of power.

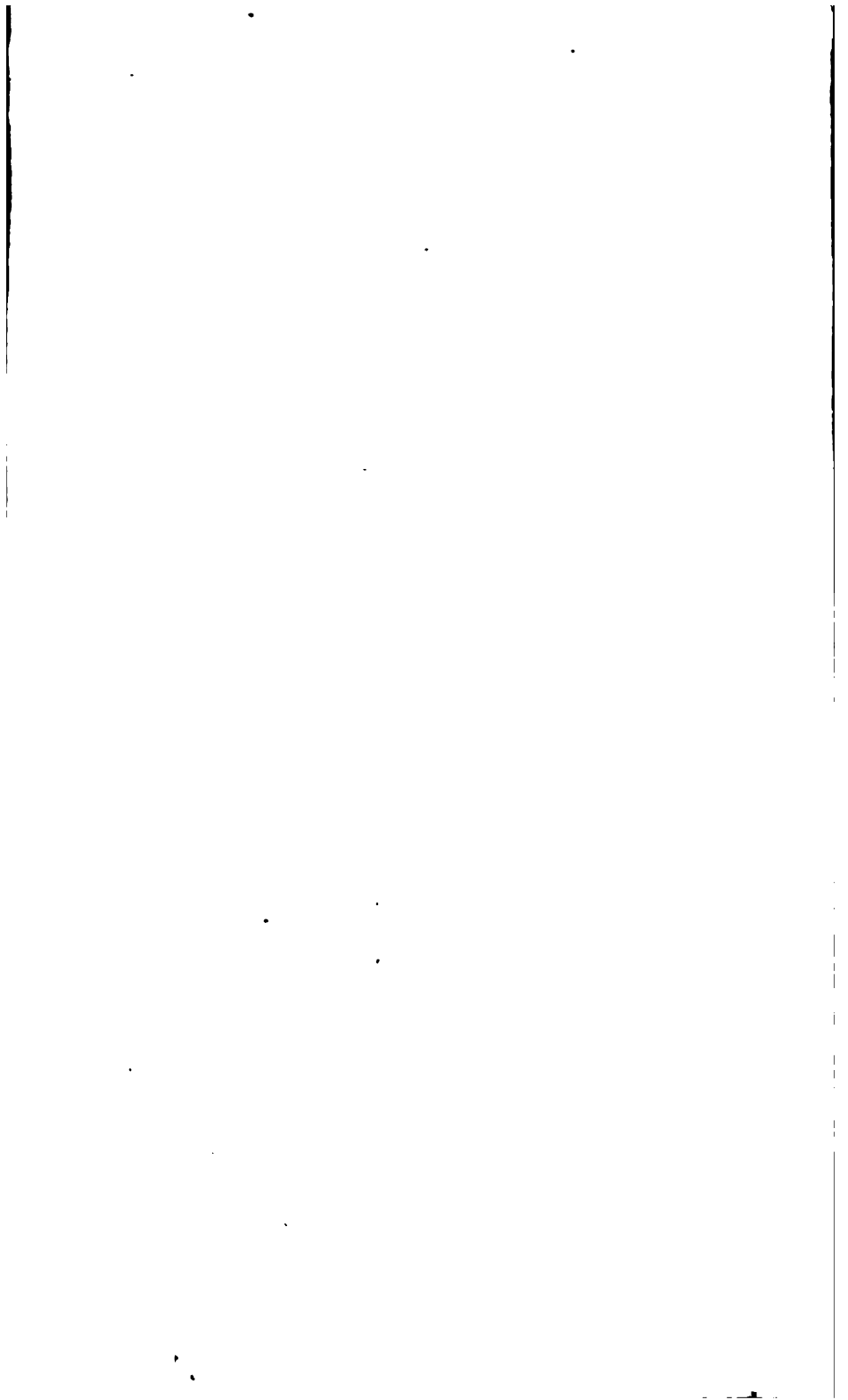
The true examples are the men in whom these proportions are observed ; and, by a proper attention to them, we shall be convinced, that he who has combined diligence with wisdom and an attention to the affairs of men with elevated conceptions of truth, has seldom failed to obtain the noblest rewards that crown the course of human life.

Suffer, then, the false notion that every attempt beyond the common rule is fanciful and unnecessary, to remain no longer; remembering, at the same time, that the common rule should not be left long together, and that wisdom and prudence ought ever to be the guides in our shortest aberrations. Adieu.

THE END.







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